

BENEVOLENCE INTERNATIONAL

A sourcebook for researchers

**Court documents concerning an al Qaeda-linked
charity front based in Chicago, Ill.**

J.M. Berger, Editor

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THE BENEVOLENCE INTERNATIONAL FOUNDATION SOURCEBOOK

In the history of criminal prosecutions in the War on Terror, there are only two criminal cases which have provided Americans with a real window into the history and origins of al Qaeda -- the infamous *U.S. v. Bin Laden* prosecution (for the East African embassy bombings) and *U.S. v. Arnaout* (including predecessor case, *U.S. v. Benevolence International Foundation*).

The Benevolence International Foundation was a U.S.-based charity founded in the early 1990s and eventually located in Chicago, Ill. The charity was shut down after September 11 and its president, Enaam Arnaout was prosecuted. (Arnaout eventually cut a plea deal that did not require him to admit to assisting al Qaeda.)

Documents filed in the case provided a great deal of information about al Qaeda's formative years, because Arnaout was alleged to be one of its earliest members and other alleged BIF employees -- such as Mohamed Loay Bayazid, a.k.a. Abu Rida al Suri -- were among al Qaeda's founders. The documents also tied Benevolence to some of Osama bin Laden's closest associates, including his brother-in-law Mohammed Jamal Khalifa and hardened Afghan war veteran Wali Khan Amin Shah.

In the 365 pages of documents contained in this volume, you will read of al Qaeda's founding -- including the minutes of its first ever meeting, reproduced here in the original Arabic and in an English translation.

Many of the documents in this collection have never been published before, including business and tax filings related to Benevolence, detention memos for Arnaout and a bill of particulars detailing some of the charges the government planned to bring prior to the plea arrangement. The latter document in particular provides a great deal of new information about the former al Qaeda operatives who today are collaborating with the U.S. in the War on Terror.

--- *J.M. Berger*

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION
UNITED STATES OF AMERICA **FILED** UNDER SEAL

V.

APR 29 2002

CRIMINAL COMPLAINT

MAGISTRATE JUDGE LEVIN

BENEVOLENCE INTERNATIONAL FOUNDATION, INC., and ENAAM M. ARNAOUT, a/k/a "Abu Mahmoud", a/k/a "Abdel Samia" **MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT** CASE NUMBER:

02CR0414

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 26, 2002 and April 5, 2002 in Cook County, in the Northern District of Illinois, Eastern Division, defendants did

under oath, in declarations and statements under penalty of perjury as permitted under Section 1746 of Title 28, United States Code, in a proceeding before a court of the United States, knowingly make false material declarations and make and use false material declarations

in violation of Title 18 United States Code, Section 1623.

I further state that I am a(n) Special Agent, Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: XX Yes No

DOCKETED
MAY 03 2002


Robert Walker, Special Agent
Federal Bureau of Investigation

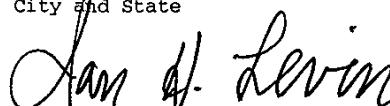
Sworn to before me and subscribed in my presence,

April 29, 2002
Date

at

Chicago, Illinois
City and State

IAN H. LEVIN, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**AFFIDAVIT IN SUPPORT OF COMPLAINT
AGAINST BENEVOLENCE INTERNATIONAL FOUNDATION, INC. AND
ENAAM M. ARNAOUT, a/k/a "Abu Mahmood", a/k/a "Abdel Samia"**

I, Robert Walker, being duly sworn, depose and state:

1. I am a special agent with the Federal Bureau of Investigation ("FBI"), United States Department of Justice, assigned to the Chicago Field Division. I have been employed by the FBI as a special agent for more than 10 years, and I am assigned to the Chicago Joint Terrorist Task Force.

2. This affidavit contains information necessary to support my application for an arrest warrant for ENAAM M. ARNAOUT, date of birth June 24, 1962. It is not intended to include each and every fact and matter known by the government. The information provided below is based on information collected by the FBI, information conveyed to me by other law enforcement officials, and information compiled from other sources.

3. Based upon the facts set forth below, I submit that there is reason to believe that defendants BENEVOLENCE INTERNATIONAL FOUNDATION, INC. ("BIF") and ENAAM M. ARNAOUT, have committed violations of Title 18, United States Code, Sections 1623 (making false declarations to a United States court).

Overview of Charges

4. As set forth in more detail below, there is probable cause to believe that defendants ENAAM ARNAOUT and BENEVOLENCE

Via ~~INTERWIRE~~.com

INTERNATIONAL FOUNDATION, INC. knowingly submitted false material declarations under oath in a civil proceeding pending in the Northern District of Illinois, Eastern Division, before the Honorable James H. Alesia: *Benevolence International Foundation, Inc. v. John Ashcroft, Attorney General, et. al*, No. 02 C 763 (N.D. Ill.). In that proceeding, BIF seeks, among other things, the return of BIF's seized or blocked property and to void a blocking order which froze the accounts of BIF. In particular, in *in that proceeding on 4/20/02* Declarations filed on March 26 and April 5, 2002, defendants ENAAM ARNAOUT and BENEVOLENCE INTERNATIONAL FOUNDATION (acting through its director ARNAOUT) falsely stated under oath that:

BIF is required to maintain the donations of zakat in a non-interest bearing account and to use those funds only to assist the poor and needy. BIF abides strictly by those requirements.

...
BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings.

...
I have no idea or understanding as to why the government has taken these actions [blocking of assets] against BIF.

(Emphasis added)

In truth, as shown particularly in paragraphs [a-d] below, BIF was in fact engaged in the support of various persons and groups involved in military and terrorist type activity.

In particular, the evidence set forth below demonstrates:

a. - ARNAOUT has a relationship with Usama Bin Laden and

many of his key associates dating back more than a decade, as evidenced by cooperating witnesses and seized documents;

- b. - BIF is an organization that al Qaeda has used for logistical support, including the movement of money to fund its operations, according to a cooperating witness familiar with al Qaeda;
- c. - various persons involved in terrorist activities - specifically including persons trying to obtain chemical and nuclear weapons on behalf of al Qaeda - have had contacts with BIF offices and personnel;
- d. - BIF has had direct dealings with representatives of the Chechen *mujahideen* (guerillas or freedom fighters) as well as Hezb e Islami, a military group operating at various times in Afghanistan and Azerbaijan. BIF made efforts to provide the Chechen *mujahideen* with money, an X-ray machine, and anti-mine boots, among other things.

5. This affidavit is divided into four parts. In Part I, the background of ARNAOUT and BIF is described. In Part II, ties between certain terrorists and BIF and ARNAOUT are set forth. Part III sets forth the dealings between ARNAOUT, BIF and the Chechen *mujahideen*. Part IV describes BIF's and ARNAOUT's efforts to frustrate international investigations and obstruct justice.

Part I: Background of Benevolence International Foundation and ARNAOUT

6. The Benevolence International Foundation ("BIF"), headquartered in Palos Hills, Illinois, purports to be an international charity organization involved in fundraising for charitable causes and is believed to do some significant charity work. BIF has offices in Pakistan, Bosnia, Azerbaijan, Tajikistan, Yemen, Bangladesh, Turkey, Dagestan, Georgia, China and Ingushetia. BIF had an office in Chechnya, but moved the office to Ingushetia after an armed conflict within Chechnya began.

7. The organization known as "AL BIR AL DAWALIA," which translated from Arabic means "BENEVOLENCE INTERNATIONAL," was originally founded in the 1980's by a wealthy Saudi Arabian national named Sheik Adil Abdul Galil Batargy, who was involved with the *mujahideen* in Afghanistan and was an associate of Bin Laden, as confirmed by a cooperating witness and some documents recently seized in Bosnia (see paragraph 17). Batargy later transferred control of the organization to the current Chief Executive Officer ENAAM M. ARNAOUT.

8. BIF was incorporated in the State of Illinois as a non-profit organization on or around March 30, 1992. One of the directors listed on the incorporation documents is Adel Abdul Jalil Batterjee. (Affiant believes Adel Abdul Jalil Batterjee is the same person as Adil Abdul Galil Batargy.) Documents filed with the

State of Illinois show that on September 15, 1997, the Executive Director of BIF was ENAAM ARNAOUT. *ARNAOUT has been affiliated with BIF since at least 1992. QM 11-2102*
Al Qaeda's Practice of Using Charities for Terrorist Purposes

9. Evidence introduced at trial in *United States v. Usama Bin Laden, et al.*, Case Number S98 Cr. 1023, United States District Court, Southern District of New York, and evidence gathered in the related investigation, demonstrated that al Qaeda sought and received a substantial amount of financial support from numerous international sources for the procurement of equipment (including weapons and communication equipment), recruitment, training, transportation, and lodging, among other expenses. In addition, investigations have revealed that members and associates of al Qaeda receive training in how to avoid law enforcement and intelligence scrutiny and have a proven ability to travel surreptitiously.

10. A reliable cooperative witness ("CW1"), who is a former member of al Qaeda who had repeated contact with Usama Bin Laden for a number of years in the late 1980's and early 1990's, and is in a position to testify,¹ advised being familiar with AL BIR AL DAWALIA (i.e. BIF) and having knowledge of Batargy being a high

¹ CW1 has entered into a cooperation agreement with the United States Government and pleaded guilty to a criminal conspiracy charge arising out of his participation in al Qaeda related terrorist activities.

ranking official within BIF.² CW1 stated that several al Qaeda members held positions in BIF and that this organization was one of the organizations utilized by al Qaeda. Specifically, according to CW1, BIF was used in the early 1990's by Usama Bin Laden as a means to transfer money to bank accounts, generally held by purported relief organizations, in countries where al Qaeda members or associates were conducting operations.

11. CW1 reported that as a general matter, once money was withdrawn from the bank accounts of relief organizations, its use by al Qaeda would be virtually untraceable. CW1 explained that the money would almost always be withdrawn in cash, and the relief organizations from whose account the money was taken would generate paperwork which indicated that all the money was being used for charitable purposes such as building mosques or schools, or providing food and clothing for the poor. According to CW1, only a portion of the money withdrawn was actually used for the purposes stated by the relief organizations. The remaining funds were provided to al Qaeda for whatever use al Qaeda deemed necessary.³

² Although CW1 knew BIF by its Arabic name, the organization will be discussed hereafter as "BIF" (the acronym for the English translation of the name) for ease of understanding.

³ This is consistent with evidence adduced at the 1995 trial in the Southern District of New York of persons convicted of seditious conspiracy involving the 1993 plot to attack various buildings in New York. One of the defendants (Clement Hampton-el) admitted on the witness stand that he had been smuggling money into the United States for military training from the Third World Relief

(continued...)

ARNAOUT's Ties to Usama Bin Laden

12. A reliable cooperative witness ("CW2"), who is in a position to testify, advised being familiar with ARNAOUT and his activities while ARNAOUT lived in Pakistan in 1989.⁴ CW2 reported that on one occasion in 1989, ARNAOUT traveled to the airport in Islamabad, Pakistan, picked up one of the wives of Usama Bin Laden, and took her to ARNAOUT's residence. Approximately a week later, Usama Bin Laden and his bodyguards arrived during the night and picked up Bin Laden's wife. CW2 explained that if ARNAOUT had not been a trusted associate of Usama Bin Laden, ARNAOUT would not have been trusted with the care of one of Bin Laden's wives.

13. CW2 also identified ARNAOUT as being a close associate of Gulbuddin Hekmatyar and being involved with Hekmatyar's

³(...continued)
Agency in Vienna, Austria, which was involved in Bosnian relief efforts.

Similarly, Wadih el Hage, convicted in 2001 in the Southern District of New York for his participation with Usama Bin Laden and others in a conspiracy to kill United States nationals overseas (which conspiracy included the bombing of the United States embassies in Kenya as overt acts), and Fazul Abdullah Mohamed, a/k/a "Harun," the fugitive al Qaeda member charged with executing the embassy bombings, both operated a charity known as "Help Africa People" in Kenya in the years preceding the embassy bombings. Moreover, certain incriminating files belonging to el Hage were secreted at the offices of a non-government organization known as the Mercy International Relief Agency (headquartered in Dublin, Ireland, which is separate and distinct from the Mercy International Relief Agency in the United States).

⁴ Investigation has corroborated that CW2 was in Pakistan during the relevant time frame and that CW2 was familiar with ARNAOUT.

organization Hezb-e-Islami in 1989.⁵ Hekmatyar and the Hezb-e-Islami have connections with several convicted terrorists, including Sheik Omar Abdel Rahman, convicted in United States District Court for the Southern District of New York of offenses related to a seditious conspiracy which involved the bombing of the World Trade Center in 1993 as an overt act. (The Government is in possession of a videotape showing ARNAOUT in the company of Hekmatyar assembling a satellite telephone and speaking on it.)

14. CW2 advised that ARNAOUT lived in an apartment building in Pakistan in 1989 that housed several families and *mujahideen*. Outside the apartment were walls with guard towers on each side. In ARNAOUT's apartment, ARNAOUT kept thousands of dollars of cash in shoe boxes. The cash was in the currency of several different

⁵ A cooperative witness ("CW3") is in a position to testify. CW3 has been involved in extensive terrorist activity and has provided false information to investigators in the past. CW3 has pleaded guilty to terrorism charges and entered into a cooperation agreement with the Government and has provided information to the Government which has been corroborated. CW3 advised being familiar with Hekmatyar. CW3 advised meeting with Hekmatyar in 1989 in New York. CW3 said that Hekmatyar was based out of Jalalabad, Afghanistan, and that Hekmatyar provided land in the territory that Hekmatyar controlled for the training camps of Usama Bin Laden and al Qaeda. According to CW3, Usama Bin Laden paid Hekmatyar for the right to use Hekmatyar's land.

Another confidential source of information ("CS") (described in paragraph 17) described Gulbuddin Hekmatyar as one of the leaders of the *mujahideen* in Afghanistan who was known as "the Engineer." According to CS, Hekmatyar in essence founded Hezb-e-Islami in Afghanistan and eventually Hezb-e-Islami leased land to al Qaeda for training camps. Eventually, in or about 1993, Hezb-e-Islami began sending fighters to Baku, Azerbaijan, to fight against Armenian forces in a military conflict.

countries, including the United States.

15. CW2 also explained that in 1989, ARNAOUT was involved with directing convoys of trucks carrying weapons and ammunition into Afghanistan.

16. CW2 later learned that ARNAOUT was driving in a convoy of trucks in Croatia in or about 1993 and was arrested by Croatian authorities but after some time escaped from Croatian jail. (Investigation has determined that on or about October 13, 1993, ARNAOUT wrote United States Senator Carol Moseley Braun to seek her assistance regarding "our unfortunate problem with the Croatian authorities" noting that Croatian officials "insist that BIF or one of its employees are involved in illegal arms activities.")

17. A confidential source ("CS") identified a photograph of ARNAOUT as "Abdel Samia," also known as "Abu Mahmoud," known aliases of ARNAOUT. CS was involved in extensive terrorist activity, has been convicted of serious terrorism crimes and has provided false information concerning terrorism matters in prior years, although CS has also provided information which has been corroborated. CS was recently interviewed in the hope of CS working out a cooperation agreement with the Government that would afford him sentencing considerations. CS's statements regarding ARNAOUT have been corroborated by documents recovered in recent searches in Bosnia and the fact that CS described ARNAOUT's alias "Abdel Samia" before he was shown any of the documents reflecting

that name. CS stated that ARNAOUT was close to Usama Bin Laden in Afghanistan in the 1980's when Bin Laden and others were based in the "al Masada" area.⁶ ARNAOUT was an administrator for Usama Bin Laden who disbursed funds at times on behalf of Bin Laden. (CS further indicated that at a later point in time as al Qaeda formed, the Egyptian nationals tended to dominate the organization and that ARNAOUT had a personality conflict with the Egyptian military commander of al Qaeda, Muhammed Atef, a/k/a "Abu Hafs el Masry." At that time, CS began to work with others.⁷)

18. On or about March 19, 2002, law enforcement authorities in Bosnia-Herzegovina searched eight locations affiliated with BIF, including BIF's offices in that country. Authorities recovered three firearms, a ski mask, numerous military manuals on topics including small arms and explosives, a fraudulent passport, and BIF correspondence among other items. Also recovered were a number of classified documents belonging to multiple governments concerning Islamic extremism. In addition, photographs were recovered which included photographs of Usama Bin Laden in Afghanistan (likely dating to the 1980's) as well as ARNAOUT handling rifles, a shoulder-fired rocket and an anti-aircraft gun.

⁶ For ease of reference, ARNAOUT will be referred to in true name even though he was known to CS by his war names.

⁷ Two witnesses at the trial of *United States v. Usama Bin Laden, et al.*, Jamal Ahmed al Fadl and L'Houssaine Kherchtou, indicated tension between the Egyptians who dominated the al Qaeda leadership and the non-Egyptians.

19. The documents recovered also included documents establishing direct communication between ARNAOUT and Usama Bin Laden and others in the late 1980's and early 1990's. The documents included a disk found at BIF's office in Bosnia which included scanned images of these historical documents. For example, some of the documents recovered included: an administrative chart showing that "Abu Abdallah" (the well-known alias of Usama Bin Laden) was the "emir", Abu Ubaidah (the late military commander of al Qaeda who drowned in a ferry accident in Africa in 1996) was in charge of military matters⁸; "Abu Hager" (the well-known alias of Mamdouh Salim discussed in paragraphs 21-25) was in charge of "wireless communications" for the military branch and "hospitality" for the money and management aspect of the organization; "Abu Rida" (the alias of Mohamed Bayzid, discussed in paragraph 26) was in charge of purchases and other entries, some of which were illegible. Another chart reflected ARNAOUT ("Abu Mahmoud") at the top of "My Organization (Jihady)" with a substructure for "The Mujahideen Program" with further subcategories with references to "weapons" and "mujahideen." Other documents included charts of codes to be used on the radio in communicating messages, which could be used, for example, to pass

⁸ There was abundant evidence at the *Bin Laden* trial in New York of Abu Ubaidah's status as al Qaeda's military commander, including the testimony of two former members of al Qaeda as well as documentary evidence.

messages to ship weapons from one location to another. While the documents appear to date to the time period in the late 1980's preceding the official founding of al Qaeda, they clearly demonstrated the relationship of trust between ARNAOUT and the leaders of the jihad network in Afghanistan.

20. Still other documents included documents signed by ARNAOUT as well as Usama Bin Laden, including writings from Usama Bin Laden to ARNAOUT and from ARNAOUT to Usama Bin Laden.⁹ Other documents indicate that Usama Bin Laden had traveled to a location (described in code) and that ARNAOUT was with him. Also recovered was a letter to ARNAOUT from Osama Azmarai (Wali Khan discussed in paragraphs 21 d, 28-33) seeking money to be transferred by ARNAOUT to an Afghani commander with notes on the reverse headed "weapons." Other documents dating from a later period in 1991 and 1992 indicate requests from a person who wanted aid sent to *mujahideen* and a weapon provided to an associate. Additional documents corroborate the coordination between certain ostensible charities and the al Qaeda network as described by CW1. One document showed expenditure for the "administration of jihad" paid by the "Islamic Charity Committee" as well as a 1988 document showing that "Abu Hajer" (Mamdouh Salim, described in paragraphs 20, 22) and Dr. Fadl

⁹ ARNAOUT apparently discussed his relationship (or purported lack thereof) with Bin Laden as reported in an article appearing in the *Chicago Tribune* on March 10, 2002, indicating that ARNAOUT claimed that he saw Bin Laden in Afghanistan but did not know him personally.

(a leading figure in the Egyptian al Jihad group - now a designated foreign terrorist organization¹⁰) mediating a dispute among different Islamic charity organizations.

Part II: BIF Ties to Persons Involved in Terrorist Activity

21. As described in the following paragraphs, various persons involved in terrorist activity, particularly with the al Qaeda network, were in contact with ARNAOUT or the BIF office in Palos Hills, Illinois, at various times. Those persons include:

- a. Mamdouh Salim (a key Bin Laden associate who authored *fatwahs*, or Islamic legal rulings, justifying attacks by al Qaeda against civilians and participated in efforts to obtain nuclear and chemical weapons for al Qaeda and who attempted to murder a corrections officer in the federal jail in New York while awaiting trial for his participation to kill American nationals; several months prior to his arrest in Germany, Salim traveled to Bosnia where his visa and housing was sponsored by BIF and

¹⁰ CW1 described Dr. Fadl as a leading figure in the Egyptian Islamic Jihad ("EIJ") group and a member at some time of al Qaeda's *shura* council (which provided consultation and advice to Usama Bin Laden). CW3 described Dr. Fadl as a leader of EIJ and a close associate of Ayman al Zawahiri, an indicted fugitive in *United States v. Usama Bin Laden et al.*, who is charged with the embassy bombings and who has appeared in recent videotaped broadcasts alongside Usama Bin Laden. CW3 indicated that Dr. Fadl issued *fatwahs* (Islamic legal rulings). CS also indicated that Dr. Fadl issued *fatwahs* and indicated that Dr. Fadl, while less well known, was of the same stature as Ayman Zawahiri.

where a statement was signed on behalf of BIF and ARNAOUT attesting that Salim was a "director" of BIF;

- b. Mohamed Bayazid (who made efforts to get uranium for al Qaeda to develop a nuclear weapon; Bayazid obtained a driver's license reflecting his residence as the address of BIF's Illinois office);
- c. Mohamad Jamal Khalifa (Usama Bin Laden's brother-in-law who has been closely linked to terrorist operatives who carried out the 1993 World Trade Center bombing and sought in the Philippines to bomb 12 airliners over American cities in 1994 as well as to assassinate the Pope; Khalifa was traveling with Bayazid at that time and a telephone number associated with Khalifa was contacted by the BIF Illinois office as recently as November 1998) (see paragraph 24 below); and
- d. Wali Khan Amin Shah (key participant in the plot in the Philippines to bomb 12 airliners over American cities in 1994 as well as to assassinate the Pope; Khan wrote a request to ARNAOUT to provide money to an Afghan field commander for weapons in the late 1980's).

The BIF Link to Mamdouh Salim:

22. As established by evidence introduced at the *United States v. Bin Laden* trial in New York in 2001, Mamdouh Salim, a/k/a "Abu Hager," was a very close associate of Bin Laden who pronounced *fatwahs* which authorized the killing of innocent civilians.¹¹ Salim is also the person who approved the purchase of uranium by Bayazid (described in paragraph 26) for the purpose of developing a nuclear weapon. Salim was also implicated by testimony at the 2001 trial of *United States v. Bin Laden, et al.*, in New York in efforts to develop chemical weapons in the Sudan on behalf of al Qaeda.

23. In May 1998, Salim visited Bosnia and Herzegovina. Salim was arrested in Germany in September 1998 and extradited to the United States in December 1998. He is currently awaiting trial in the Southern District of New York on charges of conspiring with Usama Bin Laden and other members and associates of al Qaeda to kill United States nationals.¹²

¹¹ Salim reasoned that if an attack on an American building killed Americans, that was beneficial. If Muslims working with the Americans were killed, these Muslims were being punished for helping the American infidels. If innocent Muslim bystanders were killed, they would become martyrs and go to paradise and would thus be grateful to those who carried out the bombing.

¹² Salim was to be part of the 2001 trial but was severed from that trial after he took a corrections officer hostage at the Metropolitan Correctional Center in New York and stabbed him repeatedly with an improvised knife, severely wounding him. Salim also sought at that time to take defense attorneys hostage to demand his release and the release of the embassy bombers and Sheik Omar Abdel Rahman. On April 3, 2002, Salim pleaded guilty to (continued...)

24. While in Bosnia, Salim stayed at a hotel where Salim was described to the owner of the hotel as a director of BIF in a writing signed in the name of ARNAOUT. His rented apartment was reserved by the Ljiljen Commerce Group, an entity owned by BIF and of which ARNAOUT is a director. ARNAOUT and BIF also arranged for Salim's visa to Bosnia.

25. The long-standing relationship between Bayazid, Salim, Bin Laden and ARNAOUT is demonstrated by some of the documents seized in the March 2002 search in Bosnia, described in paragraphs 18-20.

The BIF Link to Mohamed Bayazid

26. Mohamed Loay Bayazid, a/k/a "Abu Rida al Suri," has been implicated in testimony at the *Bin Laden* trial in the Southern District of New York in efforts in the Sudan in or about 1993-1994 to obtain uranium for Usama Bin Laden for the purpose of developing a nuclear weapon. On December 16, 1994, Bayazid was stopped in San Francisco in the presence of Mohamad Jamal Khalifah, the brother-in-law of Usama Bin Laden. At the time, Bayazid was found to be in possession of an Illinois driver's license indicating that his

¹²(...continued)
attempted murder of the correction officer.

Following Salim's arrest and incarceration, Usama Bin Laden issued a videotaped statement in or about September 2000 in which he threatened American interests while wearing a Yemeni dagger. Approximately one month later, the U.S.S. Cole was bombed while in port in Yemen. In that video, Bin Laden praised Wali Khan (discussed in paragraphs 21 d, 28-33) by his alias "Azmarai."

residence was the BIF office in Illinois. As recently as November 1998, toll records for BIF's office in Illinois reflected telephonic contact with a telephone number in Turkey associated with Bayazid.¹³

The BIF Link to Mohamad Jamal Khalifa

27. On December 16, 1994, Mohamad Jamal Khalifa, while traveling with the aforementioned Bayazid, was detained in San Francisco by American officials. At the time, Khalifa had been living for a substantial period of time in Manila, the Philippines, and was affiliated with a number of entities, including a non-government organization known as Benevolence International Corporation ("BIC") and the International Islamic Relief Organization ("IIRO"). At the time of his travel, Khalifa had been convicted *in absentia* in Jordan for his alleged involvement in 1993 and 1994 in a series of bombings of public places in Jordan, including movie theaters.¹⁴ Two of the principal participants in

¹³ American Express billing records indicate that Bayazid moved from the United States to Turkey in or about April 1998. Following Bayazid's move to Turkey, telephone records of Bayazid's relatives in the United States reflect a number of calls to the number in Turkey contacted by BIF in November 1998. Moreover, telephone records for "Maram" in Turkey, which Mamdouh Salim admits he sold to Bayazid, reflect calls to BIF in Illinois in August and September 1998.

¹⁴ Khalifa has been linked to Omar Abdel Rahman. In or about August 1993, a search was conducted of the New Jersey residence of Omar Abdel Rahman, the Egyptian cleric who was the spiritual leader of the designated terrorist group al Gamaa al Islamia ("the Islamic Group"), and who would be convicted in October 1995 of (continued...)

the bombing were Jordanians who had spent time with Khalifa in the Philippines but who had then returned to Jordan to conduct these bombings and contemplated assassinations. Khalifah was then retried -- and acquitted -- after his extradition from San Francisco to Jordan following the December 1994 stop. At his Jordanian trial, Khalifa admitted to the Jordanian authorities that he had known the bombers and had sent them money but claimed that it was for past services. In his San Francisco airport interview, Khalifa admitted knowing and training the bombers but claimed that he disassociated himself from the bombers upon learning that they were violent.

28. Meanwhile, items in Khalifa's possession were copied by American authorities and would turn out after subsequent investigation to tie Khalifa closely to the activities of several terrorists then engaged in terrorist activity in the Philippines: Ramzi Yousef (then a fugitive from the 1993 World Trade Center

¹⁴(...continued)
participating in a seditious conspiracy to levy war against the United States, which conspiracy included a Spring 1993 plot to bomb the Holland and Lincoln tunnels, the FBI building in New York and the United Nations building and also included as an overt act the 1993 bombing of the World Trade Center. Abdel Rahman was also convicted of soliciting crimes of violence and conspiracy to assassinate President Hosni Mubarak of Egypt. Among Abdel Rahman's possessions was a business card for Mohamed Jamal Khalifa, along with a series of important papers in Abdel Rahman's suitcase, which also contained \$62,000 in cash.

Khalifa's alias "Abu Baraa" was also found written on a manual seized from Ahmad Ajaj, convicted of the 1993 World Trade Center bombing.

bombing) and Wali Khan Amin Shah. At the 1996 trial of *United States v. Ramzi Yousef, et al.*, in the Southern District of New York in 1996, Yousef and Wali Khan Amin Shah were both convicted of participating in a plot to bomb 12 American flag airliners simultaneously. The plot was to involve 12 flights originating from Southeast Asia, which were to be exploded over large American cities.¹⁵ In November 1994, there was a pattern of telephone traffic between Khan's apartment and the cellular telephone of Khalifa, while Yousef was proceeding at about that time with the purchase of chemicals.

29. At the time Khalifa was detained at the San Francisco airport on December 16, 1994, he had Wali Khan's beeper number in his phonebook as well as in his electronic organizer. Khalifa also had: (i) an entry for a number in Pakistan which Yousef had called from Manila; (ii) an entry for the cellular telephone of an associate of Wali Khan and Yousef (which Yousef also had in his phonebook), and (iii) an entry for Usama Bin Laden. Khalifa also possessed documents referring to the assassination of bishops and

¹⁵ Evidence at the 1996 trial in the Southern District of New York of *United States v. Ramzi Yousef, et al.*, established that on December 1, 1994, Yousef detonated a pipebomb beneath the seats of the Greenbelt theater in Manila. The evidence further established that on December 11, 1994, Yousef detonated a bomb aboard a Philippines Airline jet en route from the Philippines to Japan, killing one passenger, in what was an apparent test run for a plan to blow up a dozen American registered airliners.

Khalid Shaikh Mohamad is an indicted fugitive in *United States v. Ramzi Yousef, et al.* Yousef was also convicted at a separate trial of the 1993 bombing of the World Trade Center.

bombings of churches (at a time when evidence gathered in the investigation indicates that Wali Khan and others were planning to kill the Pope during a planned January 1995 visit to the Philippines and after churches had already been bombed in the Philippines in the preceding year).

30. In early January 1995, Murad Hakim, a fourth conspirator of Yousef, Khalid Shaik Mohamed and Wali Khan, was arrested in Manila as a result of a fire in the apartment where Hakim and Yousef had been mixing bombs. Seized in the apartment were: pictures of the Pope, two cassocks and priests' garb, pipebombs, chemicals, Casio watches modified to act as timers and Yousef's computer which contained the encrypted numbers of Khalifa and Khalifa's "charitable" organization as well as the plan to blow up 12 airliners and Wali Khan's photograph.

31. Wali Khan was arrested several days later. Khan's phonebook and cellular phone bills contained five telephone numbers of Khalifa as well as Khalifa's business card, together with diary entries making it clear that Khan was providing weapons to a faction in Kashmir at the time. Wali Khan escaped in short order but was later arrested in Southeast Asia, brought to the United States, and convicted at the 1996 New York trial. (As set forth below, Wali Khan is independently linked to ARNAOUT and indeed ARNAOUT provided an Afghan field commander with money for weapons in the late 1980's at the request of Khan.)

32. In February 1995, Ramzi Yousef was arrested in Pakistan; his phonebook had a listing for "Khalifa." Yousef admitted his role in the World Trade Center bombing, the Philippines Airlines bombing, and the plot to bomb multiple airliners. Yousef indicated that Wali Khan had provided him with the business card of Khalifa in case he needed help; moreover, he admitted that he was familiar with the name of Bin Laden, and knew him to be a relative of Khalifa, but declined to elaborate.

33. In addition, Yousef had a listing for "Khalifah" in both his encrypted computer file and in his telephone/address book. The encrypted log also contained a Post Office box for Mohammad Khalifah in Lebanon. Yousef's encrypted phone book listed the telephone number of Khalifa's charity. Thus, Khalifah is linked directly to Ramzi Yousef, the key figure in the World Trade Center bombing and the plot to bomb U.S. airliners, as well as Wali Khan, involved in the airplane plot and the effort to kill the Pope.

34. BIF's link to Khalifah is not limited to the fact that Khalifah was traveling in California with companion Bayazid, who had the license indicating BIF's Illinois office was his address. In addition, Khalifa' alias "Abu Baraa" is referenced on a historical document recovered in the searches of BIF locations in Bosnia in March 2002 described in paragraph 18. Moreover, on or about November 19, 1998, telephone toll records indicate that BIF's Illinois office was in telephonic contact with a telephone number

in Saudi Arabia used by Khalifa.

The ARNAOUT Link to Wali Khan

35. ARNAOUT is also linked to Khalifa's associate Wali Khan. The documents seized in Bosnia in March 2002 described in paragraph 18 include a letter written by Wali Khan (in his alias "Osama Azmarai") to ARNAOUT seeking to have money transferred to a commander and the reverse of the letter bears writing indicating that the money was transferred and involved weapons.

Part III: The 1995 BIF Dealings with the Chechen Mujahideen

36. Materials recovered as a result of the December 14, 2001, search of BIF's office in Palos Hills, Illinois and the blocking action documented some of the contact between BIF and the Chechen mujahideen. In particular, documents indicate that in June 1995 an X-ray machine was delivered by a BIF representative to a named representative of the Chechen mujahideen in Baku, Azerbaijan (the "Chechen Representative"), who acknowledged in writing that "As arranged this unit will be transported to Chechnya for the use of the Chechen mujahideen." That statement was witnessed by the BIF representatives from Karachi, Pakistan, and from Baku, Azerbaijan. Other documents recovered in BIF's offices in Illinois reflect reporting by the BIF Karachi representative that he had traveled to Azerbaijan "to carry and safely deliver a mobile x-ray unit to the representative of the Chechen freedom fighters in Baku. The secondary objective was to meet the people, based in Baku, who are

responsible for coordinating the relief efforts to the Chechen mujahideen, populace and refugee." That document also indicated that the BIF Baku representative is also the senior representative in Azerbaijan of Hezb-e-Islami of Afghanistan, Hekmatyar's group with which CW2 and CS indicated ARNAOUT had been associated (see paragraph 13 above). The document further indicated that in order to get the x-ray machine to the Chechen Representative, the BIF representative had to lie to Azeri authorities by stating that it was destined for refugee camps in Azerbaijan. The documents further indicated that a nominal amount of money was also provided to the Chechen Representative (approximately \$3,225) and that the Chechen Representative asked for anti-mine, steel sole boots for the Chechen *mujahideen*.

37. The documents then indicate that the BIF representative met with *mujahideen* from Hezb-e-Islami as well as several Afghan *mujahideen* who had participated in the Nagorno-Karabakh conflict against the Armenians. In addition, the Chechen Representative told the BIF representative to give any cash for the Chechen *mujahideen* directly to him "or any other tried and/or trusted Chechen who is deeply committed to the cause and has active field participation in the on-going jihad." Other documents indicate that the BIF representative met in Pakistan with ENAAM ARNAOUT upon his return there in June 1995 and briefed him on the foregoing developments and they "discussed latest situation regarding

donations of the import of the anti-mine boots for the Chechen *mujahideen*," including the fact that one donor had already committed \$30,000.

38. Other documents reflect efforts by BIF personnel in the months after June 1995 to obtain anti-mine boots, particularly those successfully field tested in combat by the Pakistani army, including a report addressed to ARNAOUT of difficulty in obtaining the army boots from the Pakistani Army because the Pakistani Army would not sell the boots to the BIF representative. Still other documents indicate that ARNAOUT was informed that Hekmatyar was in Peshawar, Pakistan (which is quite close to the border with Afghanistan) for three days in September 1995 and available to meet with ARNAOUT.

BIF Efforts to Purchase Handwarmers for Chechnya in 2000-2001

39. In the fall of 2000, BIF representatives undertook efforts to purchase large quantities of handwarmers and toewarmers for shipment to Turkey for transshipment to Azerbaijan, which borders Chechnya. The manufacturers/wholesalers were told that the handwarmers/toewarmers were to protect refugees from the cold and frostbite. The FBI has checked with a manager of the International Disaster Response Unit of the American Red Cross who, in his ten years of service, could not recall his organization ever providing handwarmers or toewarmers to any overseas locales, including wartorn areas.

40. The FBI has also interviewed an American supplier of handwarmers/toewarmers who stated that the significant purchasers of these items are sporting goods stores who, in turn, retail them to skiers, hunters and fishermen as well as persons who live in cold cities and the military. Humanitarian organization customers are very rare.

41. Documents obtained from the suppliers indicate that the warmers were to be shipped to the Chechen Representative in Istanbul, Turkey - the same person who received material from BIF in the past for delivery to the Chechen *mujahideen*.

The "Jihad in Chechnya" Website

42. In or about early 2000, a website (www.gogaz.net) dedicated to the cause of Chechen *mujahideen* identified the leaders of the military fight in Chechnya as including Ibn al Khattab and included pictures of *mujahideen* training as well as killed *mujahideen*. CW-1 has identified Ibn al Khattab as a well-known *mujahideen* leader with links to Usama Bin Laden. Similarly, CS has described Ibn al Khattab as another leader of the *mujahideen* who joined the jihad in Chechnya in 1994, after participating in the Afghani jihad. According to CS, once in Chechnya, Ibn al Khattab sent word that he did not need any more fighters but instead needed financial support.

43. The website sought doctors to travel to Chechnya to link up with Ibn al Khattab and provide medical services at the front.

The website indicated that those wishing to donate money for the Chechnyan *mujahideen* should save their money and not donate it until a trustworthy aid organization was identified in the website which was to take place on or before February 2000:

We are not looking for aid organizations. We had already made contact with one such trustworthy charity with experience of work in the Caucasus ... The reason there has been a delay until now of providing the details of this charity is that they are currently organizing themselves in order to be able to receive donations and to ensure that those donations reach those in need, quickly. They have specifically asked us not to disclose their details yet because they consider the money of the people as a trust from Allah, and they wish to forward the money to those in need as soon as possible after receiving it.

(Emphasis added)

The website urged persons to withhold donations until the charity was designated and noted that "this War is not going to finish tomorrow ...". The same website urged those wishing to go Chechnya to fight to get training in Afghanistan and noted:

Anyone interested in going to fight (if they are trained) or in going to train should contact members of their own communities and countries who are known to have been for jihad. You will know these people and they will know you. In these cases, you should only speak in confidence to those whom you trust, rather than speaking to everyone.

To see what the Mujahideen in Chechnya need at present, read the answers below.

The next entry urged again that donors withhold money for the time being:

There is one trusted agency that has set up operations in the region and we will be posting their contact and bank details, etc. on the Internet very soon insha-Allah [God willing]. This is the only aid agency that the Qogaz web-sites trust and recommend the people to give their donations to.

44. The website urged doctors and medical supplies to "make their way to Chechnya through the aid organizations and join the fighting units of Ibn al Khattab." The website condemned America for its alleged secret financial support for the Russians fighting in Chechnya and elsewhere on the site indicated that "on the other hand, as for those fighting the Muslims and those who support this fight with money, words or actions, the Muslims consider them all as enemies and in the same group." The website also indicated that the news reports on its site were received from correspondents traveling with the fighting units of Ibn al Khattab and that the reports were checked by "Field Commander Khattab" before being posted on the site. The website also indicated that large news organizations desiring to interview Khattab (or a Chechen military leader with whom he worked) could e-mail questions to the site "and we can try without promising to have those questions answered by them."

45. Sometime during or after February 2000, the website posted donations links on the website for two charities, one of which was BIF.

BIF Transfers \$685,000 to Chechnya in Four Months in 2000

46. Financial records obtained from Citibank indicate that in

the four month period from January 4, 2000, to April 11, 2000, BIF sent nineteen (19) wire transfers from its checking account, number 980110435, in the amount of \$685,560. These wires were sent to the bank accounts of the Georgian Relief Association, also known as MADLEE, in Tbilisi, Georgia and BIF's accounts in Baku, Azerbaijan; Moscow, Russia; and Riga, Latvia.

47. On March 13, 2002, the FBI met with a senior law enforcement official in Georgia responsible for counterterrorism. The official confirmed that BIF has an office in Tblisi, Georgia which also identified itself as the Georgian Relief Association, "MADLEE," and that the director is Marat Avlarigov. He verified that BIF in Georgia has received funds from BIF in Illinois in the form of wire transfers, as shown in bank records obtained by the FBI. He also confirmed that Marat's brother is Chamsoudin Avlarigov, who is affiliated with the Chechnyan rebels in Georgia.

48. The Georgian counterterrorism official stated that their investigation has revealed an al Qaeda training camp located in the Pankisi Gorge which is northwest of Tblisi, Georgia. Their investigation has further revealed that the al Qaeda training facility in the Pankisi Gorge is a location where Chechnyan rebel fighters and others are trained.

The Trash Recovered From BIF Concerning Chechnya

49. In November 2000, trash recovered from BIF included a document indicating that BIF spent 42% of its budget on Chechnya.

On April 4, 2001, trash recovered at BIF included a magazine with a set of photographs of injured and dead *mujahideen*.

50. A folder recovered in another BIF trash search in December 2001 indicated handwritten notations in Arabic which included the statements:

Donate generously to Benevolence International Foundation because it is:

It has field offices in the following:

Europe - Zagreb (Croatia): for relief operations and support of jihad in Bosnia-Herzegovina

Asia - Peshawar (Pakistan) - to support Afghan jihad, participate in huge effort of rebuilding, and helping war casualties

America - Chicago - to raise donations and benevolence endowment and deepen volunteer sense among the Muslims and their brothers in disaster areas

Contribute with your mujahideen brothers to repel the Crusader-Zionist attack on Muslim lands

Steeds of war projects

Hospitals, saving the mujahideen wounded (health care programs), eight

(emphasis added)

Training heralds and repelling Christianization activity.

I note that the references to "steeds of war projects" is an apparent reference to a verse in the Koran which reads: "Against them [the enemies] make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies"

The April 1999 BIF Trash Concerning Small Pox

51. On April 21, 1999, trash recovered by the FBI from BIF's office in Palos Hills, Illinois, included, among other things, a copy of a February 1999 article in the *Seattle Times* concerning small pox as a biological terrorism weapon. (The article had been removed from the rest of the paper.) The sections of the text indicating that federal, state and local authorities are poorly prepared for a biological attack involving smallpox were highlighted. In none of BIF's advertisements of its humanitarian causes has it ever indicated that it was dealing with the issue of small pox in any country.

Background Concerning BIF's Civil Suit Against Various Government Officials

52. On December 14, 2001, searches were conducted of the offices of BIF in Palos Hills, Illinois, and in Newark, New Jersey, along with the home of its chief executive officer, ENAAM M. ARNAOUT, removing materials from each place. The searches were conducted pursuant to the emergency search provisions of the Foreign Intelligence Surveillance Act ("FISA") and subsequently approved by the Foreign Intelligence Surveillance Court through the issuance of a search warrant.¹⁶

¹⁶ Under the Foreign Intelligence Surveillance Act ("FISA"), 50 U.S.C. §§ 1801 et. seq., the Federal Bureau of Investigation has the power to conduct surveillance and searches of foreign powers, including international terrorist groups and their agents within the United States.

53. Also on December 14, acting pursuant to the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. §§ 1701-06, and an Executive Order implementing these powers, the Treasury Department's Office of Foreign Asset Control ("OFAC") issued an order blocking BIF's assets and records, pending further investigation into BIF's ties to terrorists. BIF filed suit on January 30, 2002, in the matter styled *Benevolence International Foundation, Inc. v. John Ashcroft, Attorney General, et. al*, No. 02 C 763 (N.D. Ill.). As part of that proceeding, BIF submitted a motion for preliminary injunction on March 26, 2002, with a supporting memorandum and attachments (including a "Declaration of ENAAM ARNAOUT" dated March 22, 2002). The complaint (and the preliminary injunction motion) sought, among other things, the return of BIF's seized or blocked property and to void the OFAC blocking order. Alternatively, BIF sought to "unblock BIF's funds on a monthly basis to allow BIF to pay its operating and charitable expenses, with or without monitoring by the government." On April 5, 2002, BIF filed a "corrected" memorandum in support of its motion that includes a "Corrected Declaration of ENAAM ARNAOUT" dated April 1, 2002.¹⁷

¹⁷ The principal difference in the two declarations is in paragraph 10. The original begins "My attorneys have informed me . . ." while the corrected version says "BIF's attorneys have informed me"

BIF Efforts in 2002 to Frustrate International Investigative Efforts

54. On March 21, 2002, ARNAOUT called Munib Zaharigac in Bosnia who is a former intelligence officer in Bosnia now serving as director of BIF in Sarajevo. As set forth above, numerous classified intelligence documents had been seized in the March 19 searches of BIF's office in Bosnia. Zaharigac told ARNAOUT that he was ready for jail in Bosnia because he had been searched. ARNAOUT first asked if the searches had recovered any papers from BIF. After he learned that they had not, he urged Zaharigac to maintain that he had done nothing wrong and to hire an attorney to maintain the same. When ARNAOUT learned that Zaharigac was speaking to him from jail, ARNAOUT told Zaharigac not to talk over the telephone. Then ARNAOUT indicated that he had sent a message to someone else that when questioned they each should provide information only about themselves but not anyone else. ARNAOUT indicated that when asked about others, they should only indicate that the person is a good person and not provide identifying information about families, wives, children, lives and citizenship, adding: "Me, you don't know anything about me." When Zaharigac indicated that he had already told his questioners about ARNAOUT, ARNAOUT engaged in a leading conversation describing the nature of the relationship advising Zaharigac: "We know each other for the last few years and we've had a business relationship for one and a half years."

26
55. On March 22, 2002, BIF submitted papers as part of the
GOON
4/29/02

civil suit it brought against the Treasury and Justice Departments and various of its officials. As part of its submission claiming wrongful conduct by the United States Government, ARNAOUT submitted a declaration under oath stating that:

BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings.

The declaration was filed in the United States District Court for the Northern District of Illinois.

ARNAOUT Makes Plans to Flee

56. A reliable cooperative witness ("CW4") met with ENAAM M. ARNAOUT and another individual in March 2002. ARNAOUT told the other individual, in CW4's presence, that ARNAOUT planned to leave for Jeddah, Saudi Arabia. ARNAOUT asked CW4 for advice on whether he should: 1) send his wife and children to Saudi Arabia and stay in the United States; 2) whether he should travel to Saudi Arabia and return to the United States; 3) whether he should leave for Saudi Arabia without his family and not return to the United States; or 4) whether he should leave with his family for Saudi Arabia and not return to the United States. Thereafter, on April 2, 2002, ARNAOUT was subpoenaed to appear before the grand jury and the FBI placed ARNAOUT under continuous surveillance, which ARNAOUT has detected.

57. Meanwhile, on April 1, 2002, ARNAOUT submitted a corrected declaration, stating once again that BIF was not involved

in providing support to any entities involved in military activity. That declaration was also filed in the United States District Court for the Northern District of Illinois on or about April 5, 2002.

ARNAOUT Urges BIF Employee in Pakistan to Flee to Afghanistan With Money

58. On April 15, 2002, ARNAOUT was called by telephone and told that Haroun Abed (BIF representative in Islamabad, Pakistan) was worried because the intelligence authorities in Pakistan were looking for him and that Haroun wanted to talk to ARNAOUT. ARNAOUT at first said that he did not wish to take Haroun's call stating that he did not want to be incriminated by the telephone conversation. ARNAOUT then agreed to take the call. ARNAOUT then told Haroun to relocate to Kabul, Afghanistan, without his family and with all the money. He warned Haroun that he could be traced by his use of e-mail, telephones and banks and told him to have his brothers bring him one box at a time and that ARNAOUT would stay in contact with him through intermediaries. ARNAOUT also stated that he was like Haroun (i.e., in trouble with the authorities) but did not wish to explain more over the telephone and that ARNAOUT would remain in touch with Haroun if ARNAOUT remained "alive," but ARNAOUT said that he feared that he may not be "alive" much longer.

FURTHER AFFIANT SAYETH NOT.

John Q. Walker SA, FBI

Sworn to and subscribed to before me
on April 29, 2002.

IAN H. LEVIN
United States Magistrate Judge
United States District Court
Northern District of Illinois

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
v.) No. 02 CR 892
ENAAM M. ARNAOUT,) Violations: Title 18, United
a/k/a "Abu Mahmoud",) States Code, Sections 2,
a/k/a "Abu Mahmoud al Suri",) 1341, 1343, 1956, 1962,
a/k/a "Abu Mahmoud al Hamawi",) and 2339A
a/k/a "Abdel Samia")

COUNT ONE

The SPECIAL APRIL 2002 GRAND JURY charges:

1. At all times material to this indictment:

RELEVANT ORGANIZATIONS

Mekhtab al Khidemat

A. In the latter part of the 1980's, an organization known as "mekhtab al khidemat" (the "Services Office") maintained offices and facilities in various parts of the world, including Afghanistan, Pakistan and the United States. The organization was operated principally by Sheik Abdallah Azzam and Usama Bin Laden for purposes including the providing of logistical support to the mujahideen (fighters) in Afghanistan. The support provided included financial assistance for military training as well as assistance with obtaining travel and identity documents and immigration status in Pakistan.

B. Until his death in or about 1989, Sheik Abdallah Azzam continued to work with *mekhtab al khidemat* to provide

logistical and financial support to the *mujahideen*. After Azzam's death, *mekhtab al khidemat* continued to provide such logistical and financial support.

Al Qaeda

C. In or about 1988, Usama Bin Laden began directing resources to train *mujahideen* for eventual deployment to places outside Afghanistan. In or about August 1988, Usama Bin Laden and others (including Mamdouh Salim, a/k/a "Abu Hager al Iraqi") held a series of meetings in Afghanistan during which the *al Qaeda* (the "Base") organization was formed. Members of *al Qaeda* pledged an oath of allegiance (called a "bayat") to *al Qaeda*. Thereafter, Usama Bin Laden used the *al Qaeda* organization, as well as affiliated organizations, to provide financial and logistical support to *mujahideen* in various areas of the world. *Al Qaeda* had a command and control structure which included a *majlis al shura* (or consultation council) which discussed and approved major undertakings, including terrorist operations.

D. In addition to participating in armed confrontations in Afghanistan, *al Qaeda*, acting on its own as well as in concert with other groups, also participated in armed confrontations and violence in other locations, including Bosnia-Herzegovina and Chechnya.

E. In addition, beginning in or around 1988, Usama Bin Laden and *al Qaeda* received funding from various non-governmental

organizations, and relied on various non-governmental organizations including charitable organizations to transfer money and provide cover for traveling *al Qaeda* members and associates.

Hezb e Islami

F. In the latter part of the 1980s and continuing in the 1990s, an organization known as *Hezb e Islami* existed in Afghanistan and elsewhere whose purposes included engaging in armed confrontation in Afghanistan. *Hezb e Islami* maintained training camps in Afghanistan as well as a working relationship with Usama Bin Laden, *al Qaeda* and *mekhtab al khidemat*.

Lajnat Al-Birr Al-Islamiah

G. In or about 1987, an organization known as "Lajnat Al-Birr Al-Islamiah" ("Islamic Benevolence Committee") (hereafter "LBI") was founded by Adel Batterjee in Saudi Arabia and Peshawar, Pakistan. One of the purposes of LBI was to raise funds in Saudi Arabia to provide support to the *mujahideen* then fighting in Afghanistan. LBI also provided cover for fighters to travel in and out of Pakistan and obtain immigration status.

**Benevolence International Foundation, Inc.
("Al Birr al Dawalia")**

H. In or about the early 1990's, LBI was renamed "Benevolence International Foundation" (hereafter "BIF"), referred to in Arabic as "Al Birr al Dawalia," and incorporated in the United States. LBI did so in an effort to appear to have more

universal concerns and increase its appeal to the public as well as its credibility with other governments, including but not limited to the United States, and organizations, including but not limited to the United Nations, all of which was designed to increase donations and reduce scrutiny by authorities. The successor organization shared assets with the prior organization, adopted a nearly identical logo as LBI and continued to hold itself out as having been formed in 1987. In or about March 1993, BIF received status as a tax-exempt organization from the Internal Revenue Service. Adel Batterjee initially remained a director of BIF.

I. In or about 1993, after scrutiny of BIF by a foreign government, Batterjee resigned as a director of BIF, although he continued to play an important role in financing BIF. Around the same time, defendant ARNAOUT assumed formal management of BIF. BIF proceeded to open offices in various locations including, but not limited to, Pakistan, Bosnia-Herzegovina and Azerbaijan. Some of the overseas offices operated under different names; for example, BIF's office in Bosnia-Herzegovina operated under the name *Bosanska Idealna Futura*. Nevertheless, BIF operated as a single entity managed by defendant ARNAOUT and so held itself out publicly.

DEFENDANT ENAAM ARNAOUT

J. In the mid to late 1980s, defendant ENAAM ARNAOUT, using various aliases including "Abu Mahmoud," "Abu Mahmoud al Suri," "Abu Mahmoud al Hamawi," and "Abdel Samia," worked with and

for *mekhtab al khidemat* and LBI to provide assistance to fighters in Afghanistan, including members of *Hezb e Islami* and its leader Gulbuddin Hekmatyar, as well as various *mujahideen* including those under the command of Usama Bin Laden.

K. Within that same time frame, defendant ARNAOUT served as director of communications in the "al *Masada*" *mujahideen* camp in Jaji, Afghanistan, under the direction of Usama Bin Laden. Defendant ARNAOUT distributed resources, including weapons, at the direction of Usama Bin Laden and others at that time.

L. In or about 1991, defendant ARNAOUT, while employed by LBI, worked with others, including members of *al Qaeda*, to purchase rockets and assorted rifles in large quantities and distribute them to various *mujahideen* camps, including camps operated by *al Qaeda*.

THE BIF ENTERPRISE

2. At times material to this indictment, BIF and LBI, along with their founders, including Adel Batterjee, their directors, officers, and employees, including defendant ARNAOUT, their offices overseas including *Bosanska Idealna Futura*, and those offices' employees, were associated in fact, and constituted an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce. This enterprise, consisting of the aforementioned individuals, entities, and others

known and unknown, is hereby referred to for purposes of this count as the "BIF Enterprise." The BIF Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. Defendant ARNAOUT participated in the operation and management of the enterprise. The objectives of the BIF Enterprise were to support the activities of *mujahideen* in various areas of the world by raising funds and providing support to *mujahideen* and others engaged in violence and armed confrontation, including *al Qaeda* and *Hezb e Islami*.

THE RACKETEERING CONSPIRACY

3. Beginning in or about 1992 and continuing to the present, in Palos Hills, Worth, and other locations in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,
a/k/a "Abu Mahmoud",
a/k/a "Abu Mahmoud al Suri,"
a/k/a "Abu Mahmoud al Hamawi",
a/k/a "Abdel Samia",

defendant herein, along with Adel Batterjee and others, being persons employed by and associated with an enterprise, namely the BIF Enterprise, which engaged in and the activities of which affected interstate and foreign commerce, did conspire with other persons known and unknown to the grand jury, to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs

of the enterprise through a pattern of racketeering activity, that is, through multiple acts indictable under the laws of the United States, namely:

- (a) 18 U.S.C. § 1341 (mail fraud);
- (b) 18 U.S.C. § 1343 (wire fraud);
- (c) 18 U.S.C. § 1503 (obstruction of justice);
- (d) 18 U.S.C. § 1956 (money laundering); and
- (e) 18 U.S.C. § 2339A (material support to organizations engaged in violent activities).

4. It was a part of the conspiracy that defendant ARNAOUT agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

PURPOSE, METHOD AND MEANS OF THE CONSPIRACY

The purpose and substance of the conspiracy was as follows:

Scheme to Defraud

5. It was part of the conspiracy that defendant ARNAOUT and his co-conspirators devised, intended to devise, and participated in a scheme to defraud and to obtain money and property from donors to the BIF Enterprise, by means of materially false and fraudulent pretenses, representations, and promises, and material omissions.

a. It was part of the scheme that defendant ARNAOUT and his co-conspirators fraudulently solicited and obtained funds from donors and prospective donors to the BIF Enterprise by falsely representing that the BIF Enterprise would use donated

funds solely for humanitarian purposes, with a small amount being used for administrative expenses, while concealing the material fact that a portion of the money raised by the BIF Enterprise was being used to support groups engaged in armed confrontations and violence overseas.

b. It was further part of the scheme that defendant ARNAOUT and his co-conspirators focused their appeals for donations principally on Muslim donors, who were required by the Islamic principle of *zakat* to give a percentage of their income for charitable purposes.

c. It was further part of the scheme that defendant ARNAOUT and his co-conspirators concealed from many donors to the BIF Enterprise the material fact that funds raised from certain trusted donors to the BIF Enterprise (who were in fact aware that the BIF Enterprise was providing support to groups engaged in armed confrontations and violence overseas) were being commingled with other donors' funds to avoid scrutiny of those donors who knowingly provided money to support violence and armed confrontation.

d. It was further part of the scheme that members of the conspiracy encouraged donors to use or establish corporate matching programs, through which donors' employers would match in whole or in part donations made to the BIF Enterprise by individual employees.

e. It was further part of the scheme that defendant ARNAOUT and his co-conspirators concealed from the State of Illinois, the United States government and other governments the fact that a portion of the money raised by the BIF Enterprise was being used to support groups engaged in armed confrontations and violence overseas.

f. It was further part of the scheme that as a result of the material misrepresentations and omissions regarding the nature of the BIF Enterprise's activities by defendant ARNAOUT and his co-conspirators, numerous individuals and corporations provided donations to the BIF Enterprise having been deceived into believing that their contributions would be used for solely humanitarian purposes.

g. It was further part of the scheme that defendant ARNAOUT and his co-conspirators used BIF's status as a charity and a tax-exempt organization to lessen scrutiny by various governments concerning the financial and other activities of the BIF Enterprise's employees and agents, the BIF Enterprise's overseas offices, and the travel of the BIF Enterprise employees, agents, and associates.

h. It was further part of the scheme that defendant ARNAOUT and others kept secret from governments and the general public, including a significant number of donors, material facts about defendant ARNAOUT's relationship with organizations

engaging in violence, including *al Qaeda* and *Hezb e Islami*, and their leaders, including Usama Bin Laden and Gulbuddin Hekmatyar.

Laundering of the Proceeds of the Scheme to Defraud

6. It was a further part of the conspiracy that defendant ARNAOUT and his co-conspirators agreed to conduct financial transactions, affecting interstate and foreign commerce, by wire transferring funds from BIF's checking accounts in Illinois to bank accounts in various locations, including New Jersey and accounts outside the United States, knowing that the property involved in the transactions represented the proceeds of specified unlawful activities, namely, mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343, as described in paragraph 5 of Count One of this indictment; with the intent to promote the carrying on of the above specified unlawful activities and material support to organizations engaged in violent activities, in violation of Title 18, United States Code, Section 2339A as described in paragraph 7 of Count One of this indictment; and knowing that the transactions were designed, in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the above specified unlawful activities; all in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and (a)(1)(B)(i). It was a further part of the conspiracy that defendant ARNAOUT and his co-conspirators agreed to transport, transmit, and transfer monetary

instruments and funds from a place in the United States to or through a place outside the United States with the intent to promote the carrying on of a specified unlawful activity, namely, the material support to organizations involved in violent activities in violation of Title 18, United States Code, Section 1956(a) (2).

Providing and Concealing Material Support to Organizations Engaged in Violent Activities

7. It was a further part of the conspiracy that beginning on or after September 13, 1994, defendant ARNAOUT and his co-conspirators agreed to provide and attempt to provide material support and resources to persons, groups and organizations engaged in violent activities, including *al Qaeda*, *Hezb e Islami*, and persons engaged in violent confrontations in Bosnia-Herzegovina, Chechnya and their neighboring regions, and to conceal and disguise the nature, location, source and ownership of material support and resources, knowing and intending that they were to be used in preparation for and in carrying out a violation or violations of Title 18, United States Code, Section 956(a)(1) (conspiracy to kill, kidnap, maim or injure persons in a foreign country); in violation of Title 18, United States Code, Section 2339A.

Obstruction of Justice

8. It was a further part of the conspiracy that defendant ARNAOUT and his co-conspirators corruptly endeavored to influence, obstruct and impede the due administration of justice by submitting

to the United States District Court false and misleading declarations of defendant ARNAOUT in an effort to obtain an order releasing BIF's funds which had been blocked by the United States Department of the Treasury. The efforts of defendant ARNAOUT included executing, subscribing to and filing materially false declarations under the penalties of perjury in a civil proceeding brought by BIF stating in substance that BIF had never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature; in violation of Title 18, United States Code, Section 1503.

Methods and Means of the Conspiracy

9. The method and means of the conspiracy included the following, among other activities:

A. In or about 1992, defendant ARNAOUT assisted in delivering, assembling and operating a satellite telephone for use in Afghanistan by Gulbuddin Hekmatyar and *Hezb-e-Islami*.

B. Sometime in 1993 or thereafter, members of the conspiracy caused the production of videotapes depicting fighters in Bosnia-Herzegovina and eulogizing dead fighters, including al Qaeda members known as "Abu Zubair al Madani" and "Abu Abbas al Madani," and soliciting donations to support the *mujahideen* in Bosnia-Herzegovina.

C. On or about June 10, 1995, members of the conspiracy caused the delivery of an X-ray machine and currency from the BIF

Enterprise to a representative of the Chechen *mujahideen* in Baku, Azerbaijan, for use by the Chechen *mujahideen*.

D. In or about November 1995, defendant ARNAOUT and other members of the conspiracy caused the shipment of anti-mine boots to Baku, Azerbaijan, ultimately destined for the Chechen *mujahideen*.

E. Following its initial shipment of anti-mine boots, defendant ARNAOUT and other members of the conspiracy solicited donations from the public to purchase additional anti-mine boots for the *mujahideen*, falsely claiming that the project was for the benefit of civilians.

F. In or about May 1998, members of the conspiracy, using a letter bearing a signature in the name of defendant ARNAOUT, facilitated the travel of an influential, founding member of the *al Qaeda* network, Mamdouh Mahmud Salim, a/k/a "Abu Hajer al Iraqi," to Bosnia-Herzegovina by indicating that Salim was a director of BIF.

G. In the latter part of the 1990's, with defendant ARNAOUT's knowledge, Saif al Islam el Masry, a/k/a "Abu Islam el Masry," a member of *al Qaeda's* *majlis al shura* (consultation council), as well as a top military expert and instructor, served as an officer of the BIF Enterprise in Chechnya.

H. Between June 2000 and September 2001, members of the conspiracy caused the transfer of approximately \$1,414,406.00 via

wire from an account at Union Bank of Switzerland (the "Swiss Bank Account") to BIF's checking account in the United States. Those funds were commingled in BIF's checking account with donations the BIF Enterprise received from other sources and disbursed in large part to the BIF Enterprise offices overseas.

I. In a schedule of donations exceeding \$5000 attached to BIF's Form 990 Tax Return for its fiscal year 2000, executed by defendant ARNAOUT under the penalty of perjury, BIF substantially understated the amount of funds it received from the Swiss Bank Account and did not attribute a substantial portion of the funds to a known source.

J. In or about February 2000, a website seeking money to support the efforts of the *mujahideen* fighting in Chechnya under the command of Ibn al Khattab, a *mujahideen* leader who had fought in Afghanistan, listed BIF as an organization that would receive donations for this purpose.

K. In or about October 2001, defendant ARNAOUT relayed to the BIF Enterprise founder Adel Batterjee in Saudi Arabia via telephone ARNAOUT's concern that ARNAOUT was under scrutiny of the United States government and in particular the fact that defendant ARNAOUT had been searched at the airport upon his return to the United States.

L. In or about November 2001, defendant ARNAOUT spoke via telephone to a BIF Enterprise employee in Bosnia-Herzegovina,

and agreed with that employee that financial support for an injured fighter could not be reflected on the BIF Enterprise's financial records and that the employee should create a new list of orphans as a means of justifying the expenditures. Defendant ARNAOUT and the BIF Enterprise employee also discussed a plan of transferring money from an account of BIF in the United States to the BIF Enterprise in Bosnia-Herzegovina in cash without leaving a trail so that the BIF Enterprise could balance its books in light of certain expenses that could not be listed on the books.

M. In January 2002, following the blocking of BIF's bank accounts by the United States Department of the Treasury, defendant ARNAOUT spoke via telephone to Adel Batterjee in Saudi Arabia, and Batterjee requested defendant ARNAOUT to relocate with his family to Saudi Arabia.

N. Beginning at a time unknown through in or about March 2002, defendant ARNAOUT, and employees of the BIF Enterprise, possessed, and attempted to erase in part, in Bosnia-Herzegovina, among other items, an archive of documents and photographs concerning Usama Bin Laden and *al Qaeda* and Gulbuddin Hekmatyar and *Hezb e Islami*, including:

i. a chart of an organization involved in military activity headed by Usama Bin Laden and with which Abdallah Azzam, Abu Ubaidah al Banshiri, and Mamdouh Salim, a/k/a "Abu Hager al Iraqi," among others, were involved;

ii. notes summarizing several meetings during which *al Qaeda* was formed in Afghanistan in August 1988 (indicating that Usama Bin Laden, Abu Ubaidah al Banshiri and Mamdouh Salim, a/k/a "Abu Hager al Iraqi," among others, were in attendance), and specifying the text of the original *bayat* (oath of allegiance) made by prospective *al Qaeda* members to *al Qaeda*;

iii. notes reflecting the commencement of *al Qaeda's* "work" on or about September 10, 1988;

iv. personnel files of the *mujahideen* trained in the *al Masada* camp in Jaji, Afghanistan, in or about 1988, which contained the true names and aliases and military experience of the trainees;

v. a list of wealthy sponsors from Saudi Arabia including references to Usama Bin Laden and Adel Batterjee, the founder of the BIF Enterprise;

vi. various documents reflecting defendant ARNAOUT's involvement in the acquisition and distribution of hundreds of rockets, hundreds of mortars, offensive and defensive bombs, and dynamite, as well as disguised explosive devices in connection with the *al Masada* camp;

vii. various documents in a separate folder reflecting defendant ARNAOUT's participation in obtaining missiles, bombs and mortars in 1989 and 1990 in connection with *Hezb e Islami*;

viii. various newspaper articles including a 1988 article with a photograph depicting Usama Bin Laden, defendant ARNAOUT, and one of the founders of the BIF Enterprise; as well as 1998 articles concerning Usama Bin Laden's threats against the United States and the State Department's 1997 list of designated terrorist organizations;

ix. a February 1992 letter to ARNAOUT requesting assistance with food and clothing for 1200 *mujahideen*;

x. a handwritten organizational chart placing defendant ARNAOUT at the top of a *jihad* organization involved with weapons; and

xi. a series of reports from a *Hezb e Islami* Special Forces camp in the Paktia province of Afghanistan indicating that defendant ARNAOUT had inspected the camp and that 70 *mujahideen* had been sent to Peshawar, Pakistan for a "special matter" and that military training had started as of November 1991, with a class of special forces *mujahideen* graduating in January 1992.

O. In or about late 2001 and early 2002, while the BIF Enterprise continued to solicit and receive donations from the public while fraudulently holding itself out as a humanitarian organization that had never supported or financed violence, defendant ARNAOUT individually and through an attorney falsely informed the *Chicago Tribune* newspaper that defendant ARNAOUT did not know Usama Bin Laden personally, that defendant ARNAOUT never

fought against the Soviet Union, that defendant ARNAOUT was never at the al Masada camp and that he could not have been there because he was working in a restaurant in the Persian Gulf area during the relevant time frame.

P. On or about March 21, 2002, defendant ARNAOUT spoke via telephone to Munib Zaharigac in Bosnia-Herzegovina and learned that Zaharigac had been arrested and that searches had been conducted of various locations in Bosnia-Herzegovina. After being told that no BIF Enterprise documents were seized, defendant ARNAOUT coached Zaharigac about what to tell authorities about persons associated with the BIF Enterprise including himself.

Q. On March 26, 2002, in an effort to obtain a court order requiring, among other things, the release of BIF funds blocked by the United States Department of the Treasury, BIF and defendant ARNAOUT submitted a declaration in a civil matter pending in the United States District Court for the Northern District of Illinois, Eastern Division, knowingly and falsely stating: "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings." The declaration was executed by defendant ARNAOUT on or about March 22, 2002.

R. On April 5, 2002, in their continuing effort to obtain a court order requiring, among other things, the release of

BIF funds blocked by the United States Department of the Treasury, BIF and defendant ARNAOUT submitted a purported "corrected" declaration in a civil matter pending in the United States District Court for the Northern District of Illinois, Eastern Division, again knowingly and falsely stating: "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings." The declaration was executed by defendant ARNAOUT on or about April 1, 2002.

S. On or about April 15, 2002, ARNAOUT spoke to the BIF Enterprise director in Pakistan and advised him to avoid government scrutiny in Pakistan by fleeing to Afghanistan with the BIF Enterprise's money and to evade detection by refraining from the use of banks, telephones or electronic mail.

10. It was a further part of the conspiracy that defendant ARNAOUT and others would and did misrepresent, conceal and hide, and cause to be misrepresented, concealed and hidden the purposes of, and acts done, in furtherance of the conspiracy.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO

The SPECIAL APRIL 2002 GRAND JURY further charges:

Beginning no later than in or about September 1994, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, conspired with others to provide material support and resources to persons, groups and organizations engaged in violent activities, including *al Qaeda*, *Hezb e Islami*, and persons engaged in violent confrontations in Bosnia-Herzegovina, Chechnya and their neighboring regions, and to conceal and disguise the nature, location, source and ownership of material support and resources, knowing and intending that they be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 956(a)(1) (conspiracy to kill, kidnap, maim or injure persons in a foreign country);

All in violation of Title 18, United States Code, Sections 2339A and 2.

COUNT THREE

The SPECIAL APRIL 2002 GRAND JURY further charges:

1. Beginning in or about 1992 and continuing to the present, in Palos Hills, Worth, and other locations in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, did knowingly conspire and agree with others, known and unknown to the Grand Jury, to commit offenses against the United States, namely:

(a) to conduct financial transactions involving proceeds of specified unlawful activities, namely mail fraud, and wire fraud, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, and that the transactions were conducted: (i) with the intent to promote the carrying on of mail fraud, wire fraud, and material support to organizations engaged in violent activities; and (ii) which were designed, in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and (B)(i);

(b) to transport, transmit and transfer monetary instruments and funds, from a place in the United States to or through a place outside the United States, with the intent to

promote the carrying on of specified unlawful activity, namely material support to organizations engaged in violent activities in violation of Title 18, United States Code, Section 1956(a)(2);

2. It was part of the conspiracy that defendant ARNAOUT and other members of the conspiracy agreed to transfer by wire funds from BIF's checking accounts to bank accounts in various locations, including New Jersey and accounts outside the United States, which involved the proceeds of specified unlawful activities;

All in violation of Title 18, United States Code, Section 1956(h).

COUNT FOUR

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about April 21, 2001, in the Northern District of Illinois, Eastern Division,

ENAAM M. ARNAOUT,

defendant herein, conducted and attempted to conduct a financial transaction, affecting interstate and foreign commerce, namely, transferring by wire approximately \$4000 from BIF's checking account at Citibank FSB to Fleet Bank in Newark, New Jersey, knowing that the property involved in the transaction represented the proceeds of a specified unlawful activity, namely mail fraud in violation of Title 18, United States Code, Section 1341, as Count One of this indictment describes, with the intent to promote the carrying on of the mail fraud and wire fraud as described in Count One;

In violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNT FIVE

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about March 18, 2000, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused an envelope containing a donation check in the amount of \$1620 to be delivered by the United States Postal Service according to directions thereon, from a corporation to:

Benevolence International Fnd
9838 S Roberts Rd. #1W
Palos Hills, IL 60465

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT SIX

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about June 27, 2000, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused an envelope, containing a donation check in the amount of \$1000 to be delivered by the United States Postal Service according to directions thereon, from a corporation to:

Benevolence International Foundation
9838 S Roberts Rd. #1W
Palos Hills, IL 60465

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT SEVEN

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about October 1, 2001, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused to be transmitted by means of wire communication, certain signs, signals and sounds, in interstate commerce, namely an electronic transmission of funds in the amount of approximately \$10,000 from BIF's checking account at LaSalle National Bank to Fleet Bank in Newark, New Jersey;

In violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY



U. S. Department of Justice

*United States Attorney
Northern District of Illinois*

*Patrick J. Fitzgerald
United States Attorney*

*Federal Building
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
(312) 353-5300*

FOR IMMEDIATE RELEASE
WEDNESDAY OCTOBER 9, 2002

PRESS CONTACTS:

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DOJ Public Affairs
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**BENEVOLENCE DIRECTOR INDICTED FOR RACKETEERING CONSPIRACY;
PROVIDING MATERIAL SUPPORT TO *AL QAEDA* AND OTHER VIOLENT GROUPS**

CHICAGO – The executive director of Benevolence International Foundation, Inc. (BIF), a purportedly charitable organization based in south suburban Chicago, was indicted on racketeering and other charges for conspiracy to fraudulently obtain charitable donations to provide financial assistance to *al Qaeda* and other organizations engaged in violent activities, the Justice Department announced. A federal grand jury today returned a seven-count indictment against **Enaam M. Arnaout**, 40, of Justice, Ill., a Syrian-born naturalized U.S. citizen. Arnaout has twice been ordered detained in federal custody since he was arrested on April 30. The indictment describes a multi-national criminal enterprise that for at least a decade used charitable contributions of innocent Americans – Muslim, non-Muslim and corporations alike – to support *al Qaeda*, the Chechen *mujahideen* and armed violence in Bosnia.

Arnaout, also known as “Abu Mahmoud,” “Abu Mahmoud al Suri,” “Abu Mahmoud al Hamawi,” and “Abdel Samia,” was charged with one count each of racketeering conspiracy, conspiracy to provide material support to terrorists, conspiracy to launder money, money laundering,

Via INTELWIRE.com

and wire fraud, and two counts of mail fraud. He will be arraigned at a later date in U.S. District Court in Chicago.

The indictment alleges that BIF – which was not indicted – operated, together with Arnaout, other individuals and entities, as a criminal enterprise that engaged in a pattern of racketeering activity. The objectives of the enterprise were to support the activities of *mujahideen* in various areas of the world by raising funds and providing support to *mujahideen* and others engaged in violence and armed confrontation, including *al Qaeda* and *Hezb e Islami*, an organization in Afghanistan.

According to the indictment, in 1987, an organization known as “*Lajnat Al-Birr Al-Islamiah*” (Islamic Benevolence Committee, or LBI) was founded by Adel Batterjee in Saudi Arabia and Peshawar, Pakistan, with one of its purposes to provide support for the *mujahideen* fighting in Afghanistan. In the early 1990s, LBI was renamed Benevolence International Foundation, referred to in Arabic as “*Al Birr al Dawalia*,” and incorporated in the United States to increase donations and reduce scrutiny by authorities. BIF received status as a tax-exempt charitable organization in March 1993. About the same time, Arnaout assumed formal management of BIF, which proceeded to open various offices, including in Pakistan, Bosnia-Herzegovina and Azerbaijan.

In the mid to late 1980s, the indictment alleges that Arnaout, using various aliases, worked with LBI and another organization, *mekhtab al khidemat* (the “Services Office”), to provide assistance to fighters in Afghanistan. The “Services Office” was operated principally by Sheik Abdallah Azzam and Usama Bin Laden to provide logistical support for the *mujahideen* in Afghanistan, including financial assistance for military training and assistance with obtaining travel and identity documents and immigration status in Pakistan. Arnaout also allegedly provided

assistance to members of *Hezb e Islami* and its leader Gulbuddin Hekmatyar, as well as *mujahideen* under the command of Bin Laden, who, along with others in about August 1988, formed an organization in Afghanistan known as *al Qaeda* (the “Base”) to provide logistical and financial support to *mujahideen* in various areas of the world outside Afghanistan. Bin Laden and *al Qaeda* relied on various organizations, including charities, to transfer money and provide cover for traveling *al Qaeda* members and associates, according to the indictment.

In the same late 1980s time frame, Arnaout allegedly served as director of communications in the “*al Masada*” *mujahideen* camp in Jaji, Afghanistan, under the direction of Bin Laden, distributing resources, including weapons. In 1991, Arnaout, while employed by LBI, allegedly worked with others, including *al Qaeda* members, to purchase rockets and assorted rifles in large quantities and distribute them to various *mujahideen* camps, including some operated by *al Qaeda*.

The racketeering conspiracy count alleges that Arnaout and his co-conspirators, including Batterjee, engaged in a fraud scheme in which they solicited and obtained money from donors to BIF, falsely representing that the funds would be used solely for humanitarian purposes, with a small amount being used for administrative expenses, while concealing the material fact that a portion of the money was being used to support groups engaged in armed confrontations and violence overseas.

As part of the fraud scheme, the indictment alleges, among other things, that:

- Arnaout and his co-conspirators focused their appeals for donations principally on Muslim donors, who were required by the Islamic principle of *zakat* to give a percentage of their income for charitable purposes;
- Arnaout and his co-conspirators concealed from many donors the material fact that funds raised from certain trusted donors (who were in fact aware that BIF was providing support to groups engaged in armed confrontations and violence overseas) were being commingled with other donors’ funds to avoid scrutiny of those donors who knowingly provided money to support violence and armed confrontation;

- members of the conspiracy encouraged donors to use or establish corporate matching programs, through which donors' employers would match in whole or in part donations made to BIF by individual employees;
- Arnaout and his co-conspirators concealed from the State of Illinois, the United States and other governments the fact that a portion of the money raised by BIF was being used to support groups engaged in armed confrontations and violence overseas;
- Arnaout and his co-conspirators used BIF's status as a charity and a tax-exempt organization to lessen scrutiny by various governments concerning BIF's financial and other activities, as well as its employees, overseas offices, and the travel of its employees and associates; and
- Arnaout and others kept secret from governments and the public, including a significant number of donors, material facts about Arnaout's relationship with organizations engaging in violence, including *al Qaeda* and *Hezb e Islami*, and their leaders, including Bin Laden and Hekmatyar.

In addition to the fraud scheme, the racketeering conspiracy count alleges that Arnaout and his co-conspirators:

- engaged in money laundering by wire transferring funds from BIF's checking accounts in the United States to accounts outside Illinois, including New Jersey and overseas;
- agreed to provide material support and resources to groups and organizations engaged in violent activities including *al Qaeda* and *Hezb e Islami*, and to individuals engaged in violence in Bosnia, Chechnya and neighboring regions, knowing that they were to be used in carrying out a conspiracy to kill, kidnap, maim or injure persons in a foreign country; and
- corruptly endeavored to obstruct justice by submitting false and misleading declarations of Arnaout to the U.S. District Court in an effort to obtain an order releasing BIF's funds which had been blocked by the U.S. Treasury Department. The declarations in a civil proceeding brought by BIF allegedly were false by stating in substance that BIF had never provided aid or support to people or organizations known to be engaged in violence, terrorist activities or military operations of any nature.

Furthermore, among the methods and means of racketeering conspiracy, the indictment alleges the following (all dates are approximate):

- in 1992, Arnaout assisted in delivering, assembling and operating a satellite telephone for use in Afghanistan by Hekmatyar and *Hezb-e-Islami*;
- sometime in 1993 or later, members of the conspiracy caused the production of videotapes depicting fighters in Bosnia-Herzegovina and eulogizing dead fighters, including *al Qaeda* members known as “Abu Zubair al Madani” and “Abu Abbas al Madani,” and soliciting donations to support the *mujahideen* in Bosnia-Herzegovina;
- on June 10, 1995, members of the conspiracy caused the delivery of an X-ray machine and currency from BIF to a representative of the Chechen *mujahideen* in Baku, Azerbaijan, for use by the Chechen *mujahideen*;
- In November 1995, Arnaout and others caused the shipment of anti-mine boots to Baku, Azerbaijan, ultimately destined for the Chechen *mujahideen*, and following its initial shipment, Arnaout and others solicited donations from the public to purchase additional anti-mine boots for the *mujahideen*, falsely claiming that the project was for the benefit of civilians;
- in May 1998, members of the conspiracy, using a letter bearing a signature in the name of defendant Arnaout facilitated the travel of an influential, founding member of the *al Qaeda* network, MAMDOUN MAHMUD SALIM, a/k/a “Abu Hajar al Iraqi,” to Bosnia-Herzegovina by indicating that Salim was a director of BIF;
- in the latter 1990’s, with defendant Arnaout’s knowledge, SAIF AL ISLAM EL MASRY, a/k/a “Abu Islam el Masry,” a member of *al Qaeda*’s *majlis al shura* (consultation council), as well as a top military expert and instructor, served as an officer of the BIF Enterprise in Chechnya;
- between June 2000 and September 2001, members of the conspiracy caused the transfer of approximately \$1,414,406 via wire from an account at Union Bank of Switzerland (the “Swiss Bank Account”) to BIF’s checking account in the United States. Those funds were commingled in BIF’s checking account with donations that BIF received from other sources and disbursed in large part to BIF offices overseas;
- in a schedule of donations exceeding \$5,000 attached to BIF’s Form 990 Tax Return for its fiscal year 2000, executed by defendant Arnaout under the penalty of perjury, BIF substantially understated the amount of funds it received from the Swiss Bank Account and did not attribute a substantial portion of the funds to a known source;

- in February 2000, a website seeking money to support the efforts of the *mujahideen* fighting in Chechnya under the command of Ibn al Khattab, a *mujahideen* leader who had fought in Afghanistan, listed BIF as an organization that would receive donations for this purpose;
- in October 2001, defendant Arnaout relayed to BIF's founder, Batterjee, in Saudi Arabia via telephone Arnaout's concern that Arnaout was under scrutiny of the United States government, and, in particular, the fact that Arnaout had been searched at the airport upon his return to the United States;
- in November 2001, Arnaout spoke via telephone to a BIF employee in Bosnia-Herzegovina, and agreed with that employee that financial support for an injured fighter could not be reflected on BIF's financial records and that the employee should create a new list of orphans as a means of justifying the expenditures. Arnaout and the BIF employee also discussed a plan of transferring money from a BIF account in the United States to the BIF Enterprise in Bosnia-Herzegovina in cash without leaving a trail so that the BIF Enterprise could balance its books in light of certain expenses that could not be listed on the books;
- in January 2002, following the blocking of BIF's bank accounts by the U.S. Treasury Department, Arnaout spoke via telephone to Batterjee in Saudi Arabia, and Batterjee requested Arnaout to relocate with his family to Saudi Arabia;
- beginning at a time unknown through March 2002, Arnaout and employees of BIF in Bosnia-Herzegovina possessed, and attempted to erase in part, among other items, an archive of documents and photographs concerning Bin Laden and *al Qaeda* and Hekmatyar and *Hezb e Islami*, including:
 - a chart of an organization involved in military activity headed by Bin Laden and with which Abdallah Azzam, Abu Ubaidah al Banshiri, and Mamdouh Salim, among others, were involved;
 - notes summarizing several meetings during which *al Qaeda* was formed in Afghanistan in August 1988 (indicating that Bin Laden, Abu Ubaidah al Banshiri, and Mamdouh Salim, among others, were in attendance), and specifying the text of the original *bayat* (oath of allegiance) made by prospective *al Qaeda* members to *al Qaeda*;
 - notes reflecting the commencement of *al Qaeda*'s "work" on or about Sept. 10, 1988;

- personnel files of the *mujahideen* trained in the *al Masada* camp in Jaji, Afghanistan, in 1988, which contained the true names and aliases and military experience of the trainees;
- a list of wealthy sponsors from Saudi Arabia, including references to Bin Laden and Batterjee;
- various documents reflecting Arnaout's involvement in the acquisition and distribution of hundreds of rockets, hundreds of mortars, offensive and defensive bombs, and dynamite, as well as disguised explosive devices in connection with the *al Masada* camp;
- various documents in a separate folder reflecting Arnaout's participation in obtaining missiles, bombs and mortars in 1989 and 1990 in connection with *Hezb e Islami*;
- various newspaper articles including a 1988 article with a photograph depicting Bin Laden, Arnaout and one of the founders of the BIF Enterprise; as well as 1998 articles concerning Bin Laden's threats against the United States and the U.S. State Department's 1997 list of designated terrorist organizations;
- a February 1992 letter to Arnaout requesting assistance with food and clothing for 1200 *mujahideen*;
- a handwritten organizational chart placing Arnaout at the top of a *jihad* organization involved with weapons; and
- a series of reports from a *Hezb e Islami* Special Forces camp in the Paktia province of Afghanistan indicating that Arnaout had inspected the camp, that 70 *mujahideen* had been sent to Peshawar, Pakistan, for a "special matter," and that military training had started as of November 1991, with a class of special forces *mujahideen* graduating in January 1992;
- on March 21, 2002, Arnaout spoke via telephone to Munib Zaharigac in Bosnia-Herzegovina and learned that Zaharigac had been arrested and that searches had been conducted of various locations in Bosnia-Herzegovina. After being told that no BIF documents were seized, Arnaout coached Zaharigac about what to tell authorities about persons associated with the BIF Enterprise including himself;
- on March 26, 2002, in an effort to obtain a court order requiring, among other things, the release of BIF funds blocked by the Treasury Department, BIF

and Arnaout submitted a declaration in a civil matter pending in the U.S. District Court in Chicago, knowingly and falsely stating: "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings." The declaration was executed by Arnaout on March 22, 2002. BIF and Arnaout submitted a purported "corrected" declaration on April 5, 2002, in the same civil case, again containing the same false statement. The "corrected" declaration was executed by Arnaout on April 1, 2002; and

- on April 15, 2002, Arnaout spoke to the BIF director in Pakistan and advised him to avoid government scrutiny in Pakistan by fleeing to Afghanistan with the BIF Enterprise's money and to evade detection by refraining from the use of banks, telephones or electronic mail.

The indictment was announced by Attorney General John Ashcroft, together with Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, Thomas J. Kneir, Special Agent-in-Charge of the Chicago Office of the Federal Bureau of Investigation, and Charlotte Bonner, Assistant Special Agent-in-Charge of the Internal Revenue Service Criminal Investigation Division. The investigation is continuing, they said.

The government is being represented by U.S. Attorney Patrick J. Fitzgerald and Assistant U.S. Attorneys John Kocoras and Deborah Steiner.

If convicted, racketeering conspiracy, money laundering conspiracy and money laundering each carry a maximum penalty of 20 years in prison; providing material support to a terrorist organization carries a maximum penalty of 15 years in prison; each count of mail and wire fraud carries a maximum penalty of 5 years in prison, and each count carries a maximum fine of \$250,000, except the money laundering and money laundering conspiracy count, each of which carries a maximum fine of \$500,000. As an alternative fine, on the fraud counts, the Court may impose a fine totaling twice the gross loss to any victim or twice the gain to the defendant, whichever is greater, and the money laundering fines may be twice the value of the funds laundered. Note, however, that

the Court, would determine the appropriate sentence to be imposed under the United States Sentencing Guidelines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

#

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAY 29 2002

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
)
v.) No. 02 CR 414

BENEVOLENCE INTERNATIONAL FOUNDATION, INC.,)
ENAAM M. ARNAOUT,)
a/k/a "Abu Mahmoud")
a/k/a "Abdel Samia")
DOCKETED MAY 30, 2002
Violation: Title 18, United States Code, Section 1623

JUDGE GOTTSCHALL

COUNT ONE

MAGISTRATE JUDGE LEVIN

The SPECIAL APRIL 2002 GRAND JURY charges:

1. At all times material to this indictment:

a. Defendant BENEVOLENCE INTERNATIONAL FOUNDATION, INC.

("BIF") was a non-profit organization incorporated in the State of Illinois on or around March 30, 1992 and headquartered in Palos Hills, Illinois. BIF had field offices in various countries throughout the world, including Pakistan and Azerbaijan.

b. Defendant ENAAM M. ARNAOUT was the chief executive officer of BIF.

c. In response to the September 11, 2001 terrorist attacks in the United States, President George W. Bush declared a national emergency.

d. Pursuant to the International Emergency Economic Powers Act ("IEEPA"), Title 50, United States Code, Section 1701 et seq., as amended on October 26, 2001 by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act ("USA PATRIOT Act") of 2001,

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upon declaration of a national emergency by the President in response to any unusual and extraordinary threat to the national security, foreign policy or economy of the United States, which has its source in whole or in substantial part outside the United States, the United States is authorized to block the funds, accounts, and business records of an entity during the pendency of an investigation into whether that entity violated IEEPA.

e. On or about December 14, 2001, the Department of Treasury Office of Foreign Assets Control issued a Blocking Order blocking the funds, accounts, and business records of BIF during the pendency of its investigation of BIF.

f. Pursuant to Title 50, United States Code, Section 1824, the Attorney General may authorize the execution of a physical search to obtain foreign intelligence information before an order authorizing a search can with due diligence be obtained, provided that certain procedural requirements are met.

g. Also on or about December 14, 2001, agents of the Federal Bureau of Investigation, acting pursuant to authorization issued pursuant to Title 50, United States Code, Section 1824, executed an emergency physical search at BIF's office in Palos Hills, Illinois and seized certain property.

h. On or about January 30, 2002, BIF filed a complaint in the United States District Court for the Northern District of Illinois against various government officials, including the

Attorney General of the United States and the Secretary of the Treasury: *Benevolence International Foundation, Inc. v. John Ashcroft, Attorney General, et. al*, No. 02 C 763 (N.D. Ill.) (Alesia, J.).

i. On or about March 26, 2002, BIF filed a motion for preliminary injunction in the above matter, seeking an order requiring the government to return BIF's property and cease blocking its assets. In support of its motion, BIF filed a memorandum of law which included numerous exhibits, including as Exhibit A a declaration of defendant ENAAM M. ARNAOUT emphasizing that BIF is a humanitarian organization that never aided or supported violence or terrorist or military activities.

2. On or about March 26, 2002, in the Northern District of Illinois, Eastern Division,

BENEVOLENCE INTERNATIONAL FOUNDATION, INC. and ENAAM M. ARNAOUT, a/k/a "Abu Mahmoud", a/k/a "Abdel Samia", defendants herein, under oath, in declarations and statements under penalty of perjury as permitted under Section 1746 of Title 28, United States Code, in a proceeding before a court of the United States, knowingly made false material declarations and made and used false material declarations, to wit:

BIF is required to maintain the donations of zakat in a non-interest bearing account and to use those funds only to assist the poor and needy. BIF abides strictly by those requirements.

...
BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist

activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings.

I have no idea or understanding as to why the government has taken these actions [blocking of assets] against BIF.

In violation of Title 18, United States Code, Section 1623.

COUNT TWO

The SPECIAL APRIL 2002 GRAND JURY further charges:

1. The allegations of Paragraph 1 of Count One of this indictment are hereby realleged and incorporated herein as if fully set forth herein.

2. On or about April 5, 2002, BIF filed a "Corrected Memorandum" of law in support of its motion for preliminary injunction in *Benevolence International Foundation, Inc. v. John Ashcroft, Attorney General, et. al*, No. 02 C 763 (N.D. Ill.) (Alesia, J.). The corrected memorandum of law included numerous exhibits, including as Exhibit A a "Corrected Declaration" of defendant ENAAM M. ARNAOUT, again emphasizing that BIF is a humanitarian organization that never aided or supported violence or terrorist or military activities.

3. On or about April 5, 2002, in the Northern District of Illinois, Eastern Division,

BENEVOLENCE INTERNATIONAL FOUNDATION, INC. and ENAAM M. ARNAOUT, a/k/a "Abu Mahmoud", a/k/a "Abdel Samia", defendants herein, under oath, in declarations and statements under penalty of perjury as permitted under Section 1746 of Title 28, United States Code, in a proceeding before a court of the United States, knowingly made false material declarations and made and used false material declarations, to wit:

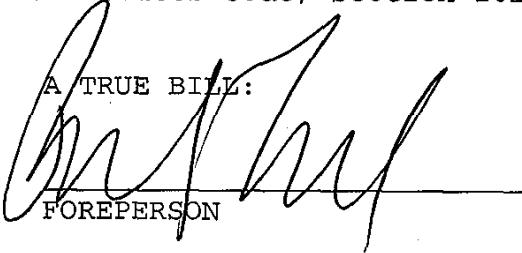
BIF is required to maintain the donations of zakat in a non-interest bearing account and to use those funds only to assist the poor and needy. BIF abides strictly by

those requirements.

BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings.

I have no idea or understanding as to why the government has taken these actions [blocking of assets] against BIF.

In violation of Title 18, United States Code, Section 1623.


A TRUE BILL:

FOREPERSON

Paul J. Feltress
UNITED STATES ATTORNEY

02 CR 414

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

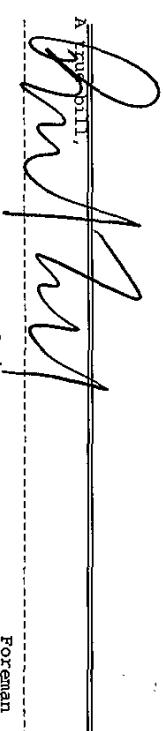
UNITED STATES OF AMERICA

vs.

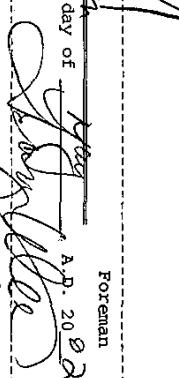
BENEVOLENCE INTERNATIONAL FOUNDATION, INC.,
and
ENNAAM M. ARNAOUT, a/k/a
"Abu Mahmoud", a/k/a "Abdel Samia"

I N D I C T M E N T

Violation:
18 U.S.C., § 1623


A handwritten signature in black ink, appearing to read "Michael W. Dobbins".
A small vertical line to the left of the signature contains the text "A. D. 2002".

Foreman

Filed in open court this 27 day of May, A.D. 2002
MICHAEL W. DOBBINS 
Clerk

Ball, \$

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
AUG 07 2002

UNITED STATES OF AMERICA) U.S. DISTRICT COURT
) No. 02 CR 414
v.)
BENEVOLENCE INTERNATIONAL)
FOUNDATION, INC., and) Hon. Joan B. Gottschall
ENAAM M. ARNAOUT,)
a/k/a "Abu Mahmoud",)
a/k/a "Abdel Samia")

**GOVERNMENT'S CONSOLIDATED RESPONSE TO DEFENDANTS'
MOTION FOR A HEARING TO DETERMINE WHETHER EVIDENCE
OBTAINED BY OR DERIVED FROM ELECTRONIC SURVEILLANCE OF
THE DEFENDANTS WAS LAWFULLY OBTAINED AND MOTION TO SUPPRESS
EVIDENCE FROM BIF'S ILLINOIS OFFICES AND ARNAOUT'S HOME**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits the following consolidated response to defendants Benevolence International Foundation, Inc.'s ("BIF's") and Enaam Arnaout's Motion for a Hearing to Determine Whether Evidence Obtained by or Derived from Electronic Surveillance of the Defendants Was Lawfully Obtained ("Mo. for Hearing") and Defendants' Motion to Suppress Evidence Seized from BIF's Illinois Offices and Arnaout's Home ("Mo. to Suppress").

The first three pages of defendant's four-page motion for a hearing regarding electronic surveillance authorized under the Foreign Intelligence Surveillance Act, Title 50, United States Code, Section 1801 et seq. ("FISA") summarize the provisions of FISA. The substance of their request to the Court appears in a paragraph on page four. In that paragraph, defendants state that

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the Fourth Amendment requires that the Court conduct a hearing to determine: 1) whether the government, in any applications to the FISA Court for an order permitting electronic surveillance under FISA properly identified the targets of any electronic surveillance; 2) whether the government sufficiently established to the FISA Court in obtaining an order under FISA that BIF and Arnaout were agents of a foreign power; 3) whether the government "complied with the authorized scope of any FISA order"; and d) whether the government followed FISA's minimization requirements. Put another way, defendants contend that the Fourth Amendment requires the Court to conduct a hearing to review actions of another federal court, specifically designated by the Chief Justice of the United States Supreme Court to review FISA matters and to determine whether it followed FISA's requirements. Defendants also contend that the Fourth Amendment requires the Court to hold a hearing to determine whether the government engaged in misconduct with respect to any FISA orders. Defendants cite no authority which allows them to embark on a fishing expedition in search of errors by a FISA court or government misconduct, nor could defendants cite such authority because none exists. Indeed, as discussed below, their contention that the Fourth Amendment requires such a fishing expedition is contrary to well-established law.

Similarly, in their Motion to Suppress Evidence Seized from

BIF's Illinois Offices and Arnaout's Home, defendants contend that evidence was seized from these locations in violation of FISA and the Fourth Amendment. As discussed below, these claims are without merit, and nearly identical ones were recently rejected by Judge Wayne R. Andersen. *See Global Relief Found., Inc. v. O'Neill, et al.*, ___ F.Supp. 2d ___, 2002 WL 1285829 (N.D. Ill. June 11, 2002).

I. BACKGROUND

Defendants are charged in a two-count indictment with perjury. The indictment alleges that defendant made and used false, sworn declarations in a proceeding before a court of the United States. Specifically, the indictment alleges that defendants committed perjury by making or using a declaration which falsely stated that BIF "has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature."

As the indictment explains, on or about December 14, 2001, agents of the Federal Bureau of Investigation, acting under authorization issued pursuant to a provision of FISA, namely 50 U.S.C. § 1824, executed an emergency physical search at BIF's office in Palos Hills, Illinois and seized certain property. Pursuant to that same provision, agents also executed an emergency physical search at the Illinois residence of BIF's executive director, Enaam Arnaout. On the same day, the Department of Treasury Office of Foreign Assets Control issued a Blocking Order

pursuant to the International Emergency Economic Powers Act ("IEEPA," 50 U.S.C. § 1701 *et seq.*) blocking the funds, accounts, and business records of BIF during the pendency of its investigation of BIF.

Similarly, on that same day, FBI agents, also acting under authorization issued pursuant to a provision of FISA, namely 50 U.S.C. § 1824, executed an emergency physical search at Global Relief Foundation, Inc.'s ("GRF") office in Bridgeview, Illinois and seized certain property.¹ *Global Relief Found., Inc.*, 2002 WL 1285829, at *2, 6. Agents also executed an emergency physical search at the Illinois residence of GRF's executive director. *Id.* On the same day, the Department of Treasury Office of Foreign Assets Control issued a Blocking Order pursuant to IEEPA blocking the funds, accounts, and business records of GRF during the pendency of its investigation of GRF.

On January 30, 2002, BIF filed a complaint in the United States District Court for the Northern District of Illinois against various government officials, including the Attorney General of the United States and the Secretary of the Treasury: *Benevolence International Foundation, Inc. v. John Ashcroft, Attorney General, et. al.*, No. 02 C 763 (N.D. Ill.) (Alesia, J.). On March 26, 2002, approximately two months after filing its lawsuit, BIF filed a

¹ GRF is another registered charity which claims to engage in the same type of humanitarian activity.

motion for preliminary injunction in the above matter, seeking an order requiring the government to return BIF's property and cease blocking its assets. In support of its motion, BIF filed a memorandum of law which included numerous exhibits, including as Exhibit A the sworn declaration of Arnaout alleged to be materially false. On April 5, 2002, BIF filed a "corrected" memorandum of law with a "corrected" declaration of Arnaout containing the same alleged material falsehood.

On April 29, 2002, defendants were charged in a criminal complaint with knowingly making and using false material declarations. Immediately after defendants were charged in a criminal complaint, defendants were placed on notice that the government intended to use at trial evidence obtained pursuant to the FISA, specifically including evidence obtained through electronic surveillance and in physical searches.

On May 14, 2002, Judge James H. Alesia issued an order staying the civil litigation in which the declarations were filed. Judge Alesia explained that "the success of BIF's civil suit depends in large part on Arnaout's sworn and allegedly perjured affidavit." *Benevolence Int'l Found., Inc., et al. v. Ashcroft, et al.*, 02 C 763 (N.D. Ill. May 14, 2002), at 12.

II. DISCUSSION

A. Requirements of FISA

FISA was enacted in 1978 to "'put to rest a troubling constitutional issue' regarding the President's 'inherent power to conduct warrantless electronic surveillance in order to gather foreign intelligence in the interests of national security.'" *Global Relief Found., Inc.*, 2002 WL 1285829, at *5 (quoting *United States v. Squillacote*, 221 F.3d 542, 552 (4th Cir. 2000)). It has always regulated particular electronic surveillance, including both telephone taps and installed microphone devices in foreign intelligence investigations. See 50 U.S.C. §§ 1801(f)(1)-(4). In 1995, Congress amended FISA to regulate certain physical searches. See 50 U.S.C. §§ 1821-1829.

FISA governs the requirements that must be met before an electronic surveillance operation or foreign intelligence search may begin in the United States. FISA generally requires that a court order or warrant be obtained before any search or surveillance may be conducted. However, when the Attorney General declares that "an emergency situation exists with respect to the execution of a search to obtain foreign intelligence information," a warrantless search is authorized. 50 U.S.C. § 1824(e)(1)(B)(i). In such situations, the government must submit a warrant application to the Foreign Intelligence Surveillance Court ("FISC," discussed below) within 72 hours of the search. 50 U.S.C.

§ 1824(e); *see also Global Relief Found., Inc.*, 2002 WL 1285829, at *6.

Prior to submitting a request to the court, FISA requires substantial review of an application by the Attorney General and a high-ranking Executive Branch official with national security responsibilities. *See* 50 U.S.C. § 1804(a), (a)(7). The Attorney General-approved application for electronic surveillance, among other things, must contain: (i) the identity of the target of the surveillance; (ii) a statement of facts supporting a belief that the target is a foreign power or an agent thereof and that the facility being targeted is being or is about to be used by the targeted person or entity;² (iii) a statement regarding the

² A "foreign power" means:

- (1) a foreign government or any component thereof, whether or not recognized by the United States;
- (2) a faction of a foreign nation or nations, not substantially composed of United States persons;
- (3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;
- (4) a group engaged in international terrorism or activities in preparation therefor;
- (5) a foreign-based political organization, not substantially composed of United States persons; or
- (6) an entity that is directed and controlled by a foreign government or governments.

50 U.S.C. § 1801(a); *see also Global Relief Found., Inc.*, 2002 WL 1285829, at *7 ("We conclude that the FISA application established probable cause to believe that Global Relief and the executive director were agents of a foreign power, as that term is defined for FISA purposes, at the time the search was conducted and the application was granted").

proposed minimization procedures to be followed; (iv) "a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance;" (v) a statement regarding the need for any physical entry to conduct the surveillance; (vi) a statement regarding previous applications and any action taken pursuant thereto; (vii) a statement outlining the required duration of the surveillance; and, (viii) a statement regarding the need for more than one surveillance device. *See 50 U.S.C. §§ 1804(a)(1)-(a)(11).*

In addition to these requirements, FISA mandates that the high-ranking Executive Branch official with national security responsibilities certify in every application that: (i) the requested information being sought is "foreign intelligence information," (ii) the purpose of the proposed surveillance is to obtain foreign intelligence information, (iii) the foreign intelligence information "cannot reasonably be obtained by normal investigative techniques," and (iv) the information being sought fits within one of the categories of "foreign intelligence information" within FISA and identifies which category is being sought. *See 50 U.S.C. § 1804(a)(7)(A)-(E).*

Following this internal process, the application is then submitted to one of eleven United States District Court Judges appointed by the Chief Justice of the Supreme Court to consider

FISA applications.³ See 50 U.S.C. § 1805. Before a FISA judge may approve the requested surveillance or search, the judge must find: (i) that the President has authorized the Attorney General to approve FISA applications; (ii) the application has been made by a "Federal officer" and has been approved by the Attorney General; (iii) that there is probable cause to believe that the target of the surveillance is a foreign power or an agent thereof, and that the facility being targeted is being used, or is about to be used, by a foreign power or an agent thereof; (iv) that the proposed minimization procedures meet the statutory requirements of FISA;⁴ and (v) that the application contains the necessary statements and certification regarding the purpose and need for the operation, and if the target is a United States person,⁵ that the certifications are "not clearly erroneous." See 50 U.S.C. § 1805(a)(1)-(5).

If satisfied that the FISA application has met with the statutory provisions, and if the judge makes the necessary findings, the judge then issues an *ex parte* order permitting the surveillance or search. The order, however, must identify the

³ Prior to October 26, 2001, there were seven district court judges appointed to consider FISA applications.

⁴ The minimization requirements are contained in 50 U.S.C. §§ 1801(h) and 1822(a).

⁵ A "United States person" includes "citizen of the United States, [and] an alien lawfully admitted for permanent residence" and corporations incorporated within the United States. 50 U.S.C. § 1801(i). Arnaout and BIF are United States persons under FISA.

target of the search, the location (or facility) to be targeted, the type of information to be sought, the means of conducting the operation, and the duration of the surveillance operations. See 50 U.S.C. § 1805(a). Under FISA, no electronic surveillance of an agent of a foreign power is to last more than 90 days without court approval, see 50 U.S.C. § 1805(e)(1), and no search of an agent of a foreign power may be conducted more than 90 days after initially authorized. 50 U.S.C. § 1824(d)(1). Extensions may be granted, but only upon application in compliance with FISA. 50 U.S.C. §§ 1804(e)(2), 1824(c)(2). Finally, the court retains the authority to review, prior to the end of the search or surveillance operation, the compliance with minimization procedures. 50 U.S.C. §§ 1804(e)(3), 1824(d)(3).

FISA authorizes the use, in a criminal prosecution, of information derived from any lawful search or electronic surveillance operation, so long as done so pursuant to the statute's requirements. 50 U.S.C. §§ 1806, 1825. For example, evidentiary use of FISA-derived information is permitted in proceedings before federal, state, and local courts, provided that proper notice is given to the "aggrieved person." 50 U.S.C. §§ 1806(c), (d), 1824(d), (e).⁶ Upon receiving notice, the "aggrieved person" may then seek to suppress the use of FISA

⁶ An "aggrieved person" is defined in 50 U.S.C. § 1801(k).

information. The Government may oppose the motion and ask the Court to review the FISA materials *ex parte, in camera* if "the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States." 50 U.S.C. §§ 1806(f), 1825(g). Upon the filing of such an affidavit, the court "may disclose to aggrieved person, under appropriate security procedures and protective orders, portions of the application, or other materials relating to the surveillance [or physical search], [or may require the Attorney General to provide the aggrieved person a summary of such materials,] only where such disclosure is necessary to make an accurate determination of the legality of the surveillance [or physical search.]" 50 U.S.C. §§ 1806(f), 1825(g) (emphasis added).

B. FISA Complies With The Fourth Amendment

FISA has been the law for over 20 years. During this time, it has endured virtually every imaginable constitutional attack. See *United States v. Nicholson*, 955 F.Supp. 588, 590 (E.D. Va. 1997) ("In the twenty years since it was enacted, FISA has been upheld as constitutional by every court to address the issue."); see also *United States v. Duggan*, 743 F.2d 59, 71-75 (2d Cir. 1984) (rejecting Fourth Amendment, Separation of Powers, and Equal Protection challenges to FISA); *United States v. Johnson*, 952 F.2d 565, 573 (1st Cir. 1991) (FISA satisfies Fourth Amendment requirements); *United States v. Isa*, 923 F.2d 1300, 1307 (8th Cir.

1991) (rejecting Sixth Amendment challenge to FISA); *United States v. Pelton*, 835 F.2d 1067, 1075 (4th Cir. 1987) ("We now join the other courts of appeal that have reviewed FISA and held that the statute meets constitutional requirements."); *United States v. Cavanagh*, 807 F.2d 787, 790 (9th Cir. 1987) (FISA comports with Fourth Amendment); *Ellsberg v. Mitchell*, 709 F.2d 51, 66 n.66 (D.C. Cir. 1983) (noting that FISA had survived all constitutional challenges to date); *United States v. Belfield*, 692 F.2d 141, 148 (D.C. Cir. 1982) (FISA complies with Fifth and Sixth Amendments).

C. Defendants' Request for a Hearing on Electronic Surveillance

Without citing legal authority, defendants claim they are entitled to a hearing regarding any electronic surveillance of them which occurred pursuant to FISA. Defendants are incorrect.

"In general, however, '*ex parte, in camera* determination [of the legality of a FISA application] is to be the rule.'" *Duggan*, 743 F.2d at 78 (quoting *Belfield*, 692 F.2d at 147). "[A]n adversary hearing [is] the exception, occurring only when necessary." *Belfield*, 692 F.2d at 147 (emphasis in original); see also *United States v. Hamide*, 914 F.2d 1147, 1152 (9th Cir. 1990) ("Any adversary hearing in the district court would be the exception."); *United States v. Spanjol*, 720 F.Supp. 55, 58-59 (E.D. Pa. 1989) ("The Court's *ex parte, in camera* review of the sealed Exhibit submitted by the Attorney General is proper. It is well

established that the legality of foreign intelligence should be determined on an *in camera, ex parte* basis."); *United States v. Hovsepian*, 1985 WL 5970, *3 (C.D. Cal. 1985) ("The Court reviewed the documents submitted by the government, including the sealed exhibit, and concluded that the surveillance conducted by the FBI was wholly consistent with the orders issued by the FISC judges. The Court also found that the FBI was seeking foreign intelligence information, and instituted its electronic surveillance as part of an international terrorism investigation."); *United States v. Falvey*, 540 F.Supp. 1306, 1314 n.17 (E.D.N.Y. 1982) (no hearing required: "Defendants argue that the order was not properly issued, because from its inception this was a criminal investigation. To the contrary, I find that the order was properly issued, because the application clearly sought foreign intelligence information.").⁷ In fact, the Government is unaware of any case,

⁷ Before FISA, courts had held that *ex parte, in camera* review of electronic surveillance initiated for foreign intelligence purposes was permitted as a means of determining the legality of such investigative activities and of protecting sensitive information. *Taglianetti v. United States*, 394 U.S. 316, 317 (1969) (no requirement that "an adversary proceeding and full disclosure for resolution of every issue raised by electronic surveillance"); *United States v. Ajlouny*, 629 F.2d 830, 839 (2d Cir. 1980) (in case of pre-FISA warrantless electronic surveillance: "We conclude that the *in camera* procedures employed by Judge Costantino in this case were adequate for purposes of determining the lawfulness of the FBI's surveillance of the defendant.").

Furthermore, since FISA was enacted, the courts have explicitly held that *ex parte, in camera* review of FISA materials does not violate the Constitution. See *Isa*, 923 F.2d at 1306-07 (no Sixth Amendment violation from *ex parte* review); *Belfield*, 692

and defendants have cited no cases, where there has been a hearing to determine the legality of a FISA order. See *Nicholson*, 955 F.Supp. at 592.

While the law often eschews *ex parte* proceedings, both Congress and the courts have determined that adversarial hearings are unnecessary to determine the legality of foreign intelligence electronic surveillance. See *Belfield*, 692 F.2d at 148 ("Congress was . . . aware of these difficulties," but "it chose to resolve them through means other than mandatory disclosure" and an adversary hearing, citing to congressional oversight provisions of FISA); *Global Relief Found., Inc.*, 205 F.Supp. 2d at 887.

If the Attorney General files an affidavit under oath stating that disclosure or an adversary hearing would harm the national security of the United States, the district court must review FISA applications and related materials *in camera* and *ex parte*. *Squillacote*, 221 F.3d at 553 (citing 50 U.S.C. § 1806(f)); *Global Relief Found., Inc.*, 2002 WL 1285829, at *6; see also *Global Relief Found., Inc.*, 205 F.Supp. 2d at 887 (denying GRF's motion to preclude *in camera*, *ex parte* review of FISA materials). In response to defendant's motion, the government has initiated efforts to obtain such an affidavit from the Attorney General and expects to submit it within fourteen days.

Accordingly, the Court should deny defendants' Motion for a

F.2d at 149 (*ex parte* review is constitutional).

Hearing.

D. Defendants' Motion to Suppress Evidence Obtained in FISA Searches

Defendants claim that the items seized in the December 14, 2001 searches in Illinois conducted under FISA should be suppressed for a variety of reasons. Each of defendants' arguments is discussed below.

1. Defendants' Claim That the Seizures Were Too Broad

Citing a series of non-FISA cases, defendants in this case claim that the FISA search warrant issued by the FISA Court was so broad in scope that it violated the Fourth Amendment. Mo. to Suppress at 3-5. This argument however ignores FISA's minimization provisions.

FISA requires the government to engage in particular minimization procedures with respect to physical searches "that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information." 50 U.S.C. §§ 1821(4)(A), 1822(a). This minimization requirement mirrors the minimization requirement for electronic surveillance pursuant to FISA contained in 50 U.S.C. § 1801(h)(1), which itself was modeled after the minimization provision in Title III (18 U.S.C. §

2518(5)). Senate Report 95-701, at 39, reprinted in, 1978 U.S. Code Cong. & Admin. News, at 4008. In imposing this requirement in FISA, Congress understood that "total minimization may not be possible," Senate Report 95-604, at 48, reprinted in 1978 U.S. Code Cong. & Admin. News, at 3949, as have the courts in applying the minimization requirements of Title III. *United States v. Quintana*, 508 F.2d 867, 875 (7th Cir. 1975) ("[N]o electronic surveillance can be so conducted that innocent conversations can be totally eliminated. Before a determination of innocence can be made there must be some degree of eavesdropping.").

Under FISA, "minimization may occur at any of several stages, including recording, logging, indexing, or dissemination." *Matter of Kevork*, 634 F.Supp. 1002, 1017 (C.D. Cal. 1985); *aff'd* 788 F.2d 566 (9th Cir. 1986). Where code or cryptic language is used, or a foreign language is involved, "minimization occurs in the summarization, retention and dissemination stages." *Id.*; see also House Report, at 55. As the Central District of California explained: "Congress intended that in counterintelligence and counter-terrorism cases the government have the opportunity to analyze the information it is acquiring[.]" *Id.*

Congress intended that the measure of compliance with the minimization requirements in FISA would be "whether a good faith effort to minimize was attempted." Senate Report 95-701, at 40, reprinted in 1978 U.S. Code Cong. & Admin. News, at 4009. Among

the factors Congress believed should be considered in determining the reasonableness of the implementation of a minimization plan with respect to surveillance of telephone conversations are the scope of the group under investigation, the nature of the foreign intelligence sought, the location of the subject telephone, and the expectations of the parties to the calls. *Id.* For example, "in counter-terrorism and counterintelligence investigations, Congress recognized that a certain latitude need be given in retaining information concerning U.S. persons who may be involved in clandestine intelligence or international terrorism activities." *Kevork*, 634 F.Supp. at 1017; *see also United States v. Abdel Rahman*, 861 F.Supp. 247, 252-53 (S.D.N.Y. 1994) (noting that legislative history supports greater flexibility in international terrorism cases because "individual items of information, not apparently significant when taken in isolation, may become highly significant when considered together over time").

The government respectfully requests that pursuant to FISA, the Court review the FISA warrant and application, with a description of the minimization procedures employed, *in camera* and *ex parte* as described above. *See* 50 U.S.C. § 1825(g) (stating that in reviewing a motion to suppress, "the United States district court . . . shall, notwithstanding any other provision of law, if the Attorney General files an affidavit under oath that disclosure or any adversary hearing would harm the national security of the

United States, review *in camera* and *ex parte* the application, order, and such other materials relating to the physical search as may be necessary to determine whether the physical search of the aggrieved person was lawfully authorized and conducted.")⁸

2. Defendant's Claims that the Searches and Seizures Violated FISA

Defendants cite a number of purported deficiencies in the application for a warrant under FISA, even though defendants have not seen the application. As explained above, case law requires that the Court first review the application *in camera* and *ex parte*. The government submits that this Court, like the FISA Court designated to review such applications, will conclude that the application is proper.⁹ Nevertheless, the government briefly addresses each of defendants' concerns below.

First, defendants contend that the FISA warrant is defective because it contains the name "Samir Abdul Motaleb." Defendants claim that because the government has not "questioned or contested

⁸ 50 U.S.C. § 1825(g) continues: "In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the physical search, or may require the Attorney General to provide to the aggrieved person a summary of such materials, only where such disclosure is necessary to make an accurate determination of the legality of the physical search."

⁹ If the Court ultimately determines that the application was deficient in any manner, the government respectfully requests that it be provided the opportunity to address the appropriate remedy for whatever the deficiency may be.

Mr. Arnaout's denial that he is Samir Abdul Motaleb," the government appears to acknowledge that "this is a case of mistaken identity."¹⁰ Mo. to Suppress at 7, n.6. To be certain, this is not a case of mistaken identity. The warrant was issued for Arnaout's residence, the executive director of BIF (which was also being searched), and concerned Arnaout's activities, regardless of whatever names and aliases Arnaout or the warrant uses.

Second, defendants claim that contrary to FISA, the searches were made to further an intelligence investigation rather than a criminal investigation. So long as "a significant purpose of the search is to obtain foreign intelligence information," the warrant meets FISA's requirements.¹¹ 50 U.S.C. § 1823(a). Likewise:

Therefore, it is not compelling to argue, as the moving defendants do, that because the government believed that these defendants had violated or would violate a criminal statute, the primary purpose of the surveillance cannot have been gathering of foreign intelligence, FISA was misused, and the evidence therefore must be suppressed. There is no contradiction, indeed there probably is often a congruence, between foreign intelligence information and evidence of criminal wrongdoing. That does not mean the government may not avail itself of FISA in order to protect national security when to do so will also generate evidence that may be used in a criminal case.

¹⁰ Pursuant to defendants' logic, Arnaout's (or his counsel's) failure to question or contest whether he uses the alias "Abdel Samia" appearing in the caption of this case is an acknowledgment on his part that he indeed uses that name.

¹¹ This provision was added to FISA in October 2001 by the USA PATRIOT ACT. Prior to that, case law required that the "primary purpose" of the surveillance authorized under FISA be obtaining foreign intelligence information. See, *inter alia.*, *Duggan*, 743 F.2d at 77.

Rahman, 861 F.Supp. at 251. The Court can examine the application to determine whether the FISA Court erred.

Third, defendants claim that the search was based solely on activity protected by the First Amendment. This claim was advanced by GRF before Judge Andersen, who rejected it after reviewing the FISA materials *in camera* and *ex parte*. *Global Relief Found., Inc.*, 2002 WL 1285829, at *7 ("We are also satisfied that Global Relief and the executive director were not targeted because of any protected First Amendment activities in which they may have engaged. Given the sensitive nature of the information upon which we have relied in making this determination and the Attorney General's sworn assertion that disclosure of the underlying information would harm national security, it would be improper for us to elaborate further on this subject.") (citing *Squillacote*, 221 F.3d at 554)).

Fourth, defendants contend that the warrant failed to specify minimization requirements, or the government disregarded them because "[t]he documents were supposed to be subjected to minimization procedures before they were seized, not months later." Mo. to Suppress at 9. First, the FISA Court presumably would not have issued a warrant without being satisfied on the issue of minimization. Second, no authority supports defendants' claim that FISA requires materials to be minimized before seizure - indeed, FISA contemplates otherwise. 50 U.S.C. § 1824(c)(1)(D) (an order

approving a physical search shall specify "what minimization procedures shall apply to the information *acquired by each search*") (emphasis added).

Finally, defendants contend that the search was not conducted pursuant to a true "emergency" in violation of 50 U.S.C. § 1824(e)(1)(B). If defendants were correct, it would be difficult to imagine why a FISA Court approved the search and issued an appropriate warrant the day after the search. The government submits that this Court, after reviewing the materials *ex parte*, will reach the same conclusion as Judge Andersen who, in reviewing the emergency FISA search of GRF's office and the home of its executive director, stated "[T]his Court is persuaded that the search and seizure made by the FBI on December 14 were authorized by FISA. Accordingly, we decline [GRF's] request that we declare the search invalid and order the immediate return of all items seized.") *Global Relief Found., Inc.*, 2002 WL 1285829, at *7.

3. The Defendants Are Not Entitled to the Additional Discovery They Request

Defendants request that the Court order production of the FISA applications and court order forthwith, pursuant to whatever protective order the Court deems appropriate. Mo. to Suppress at 6, n.5. Such an order would violate FISA.

When a defendant seeks discovery of FISA materials, the Attorney General may oppose the request by filing an affidavit stating that disclosure of the materials related to the FISA orders

would harm the national security of the United States. 50 U.S.C. §§ 1806(f), 1825(g). As stated above, we expect that the Attorney General will be filing such an affidavit in this case, thus permitting the Court to conduct an *ex parte*, *in camera* review of the materials related to the FISA orders. Under FISA, the Court may require disclosure of these documents "only where such disclosure is necessary to make an accurate determination of the legality of the surveillance [or physical search]." 50 U.S.C. §§ 1806(f), 1825(g) (brackets and emphasis added).

"In the sensitive area of foreign intelligence gathering, the need for extreme caution and sometimes even secrecy may not be overemphasized." *United States v. Ott*, 637 F.Supp. 62, 65 (E.D. Ca. 1986). Thus, as the courts have held, FISA "anticipates that an *ex parte*, *in camera* determination is to be the rule. Disclosure and an adversary hearing are the exception, occurring only when necessary." *Belfield*, 692 F.2d at 147. The courts have also recognized that in enacting FISA, Congress employed carefully drawn procedures which are not to be "bypassed by the inventive litigant using a new statute, rule or judicial construction." *Id.* at 146 (citing House Report, at 91; Senate Report 95-701 at 63, reprinted in 1978 U.S. Code Cong. & Admin. News, at 3904); *See also Spanjol*, 720 F.Supp. at 59 ("In enacting FISA Congress intended to restrict, as much as constitutionally possible, discovery of FISA materials.")

The defendants' claims notwithstanding, there is nothing so unique about the FISA orders at issue that requires disclosure in this case. The practical question for the Court is whether "the documents submitted are not sufficient to allow the court to make a facial determination of legality." *In re Grand Jury Proceedings, Grand Jury No. 87-4*, 856 F.2d 685, 687 n.3 (4th Cir. 1988). While this case may be unique in some respects, there is no indication that "[t]he determination of legality [of the FISA authorizations] in this case" is overly "complex." *Belfield*, 692 F.2d at 147. The sole question is whether the Government complied with FISA when it conducted and obtained judicial approval for the physical searches at issue. This is precisely the type of determination that the courts have routinely made on their own, particularly since the scope of review is limited by virtue of the FISA Court's prior approval of the searches. See *Duggan*, 743 F.2d at 77; *Pelton*, 835 F.2d at 1076. If the documents submitted by the government are sufficient for the Court to determine the legality of the searches, there is no need for further disclosure.¹² *Squillacote*, 221 F.3d at 554; see also *Global Relief Found., Inc.*, 2002 WL 1285829, at *7 ("This Court has concluded that disclosure of the information we have reviewed could substantially undermine ongoing investigations

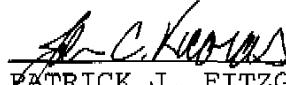
¹² In addition, because the materials sought are classified, the Court would have to address security concerns related to the disclosure of classified information prior to its dissemination. See Classified Information Procedures Act, 18 U.S.C. App. 3 § 2, et seq.

required to apprehend the conspirators behind the September 11 murders and undermine the ability of law enforcement agencies to reduce the possibility of terrorist crimes in the future.")

III. CONCLUSION

For the above reasons, defendants' Motion for a Hearing to Determine Whether Evidence Obtained by or Derived from Electronic Surveillance of the Defendants Was Lawfully Obtained and Motion to Suppress Evidence Seized from BIF's Illinois Offices and Arnaout's Home should be denied.

Respectfully submitted,



PATRICK J. FITZGERALD
United States Attorney

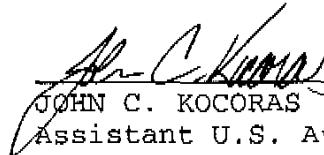
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CERTIFICATE OF SERVICE

The undersigned attorney, John C. Kocoras, certifies that he is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 2nd day of August 2002, he served a copy of the foregoing GOVERNMENT'S RESPONSE TO DEFENDANTS' MOTION FOR A HEARING TO DETERMINE WHETHER EVIDENCE OBTAINED BY OR DERIVED FROM ELECTRONIC SURVEILLANCE OF THE DEFENDANTS WAS LAWFULLY OBTAINED AND MOTION TO SUPPRESS EVIDENCE SEIZED FROM BIF'S ILLINOIS OFFICES AND ARNAOUT'S HOME via messenger to:

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50-5
UNITED STATES DISTRICT COURT DOCKETTING
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION NOV 14 PM L:24

UNITED STATES OF AMERICA) U.S. DISTRICT COURT
v. DOCKETED) No. 02 CR 892
ENAAM M. ARNAOUT NOV 15 2002) Hon. Suzanne B. Conlon

NOV 14 2002

GOVERNMENT'S RESPONSE TO MOTION FOR MODIFICATION OF CONDITIONS OF
DEFENDANT'S PRETRIAL CONFINEMENT AND SUPPLEMENTAL FILING

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits this response to defendant's Motion for Modification of Conditions of Defendant's Pretrial Confinement ("Motion") and Supplemental Filing in Support of the same ("Supplement") and states as follows:

Defendant's Motion should be denied because the proper vehicle for the relief sought by defendant is a civil suit pursuant to Title 18, United States Code, Section 1983, a *Rivens* action, or a writ of habeas corpus. Even if the Court entertains defendant's Motion, most of the complaints lodged by defendant are moot. Finally, the conditions about which defendant complains have been dictated by the Bureau of Prisons based not solely upon the charges pending against defendant, but also on other public and non-public information that amply justifies the conditions of confinement. Accordingly, the Bureau of Prisons is due a measure of deference and defendant's Motion should be denied.

I. BACKGROUND

Defendant was arrested on April 30, 2002, for committing perjury related to a declaration defendant signed under oath in a civil matter. After a hearing, Magistrate Judge Levin found probable cause to believe that defendant had in fact lied when he signed the above declaration on two

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separate occasions. On May 28, 2002, Magistrate Judge Levin ordered defendant detained. Defendant was indicted on May 29, 2002, and the case was assigned to Judge Joan B. Gottschall. Defendant raised anew the issue of detention, and Judge Gottschall also ordered defendant detained.

After that decision, defense counsel wrote a letter to the Warden of the Metropolitan Correctional Center ("MCC") on June 19, 2002, to which the Warden responded. After a status in front of Judge Gottschall, counsel for the government discussed the issues raised in defense counsel's letter with the Warden and responded to defense counsel.

On July 19, 2002, defendant filed a Petition for a Writ of Habeas Corpus. Judge Gottschall dismissed defendant's Petition and directed defendant to exhaust his administrative remedies. Defendant completed the administrative procedures on September 17, 2002, when he was informed that the Bureau of Prisons has "concerns which pose[] a threat to the security and good order of the institution."

On September 13, 2002, Judge Gottschall dismissed the indictment then pending against defendant citing *Dunn v. United States*, 442 U.S. 100 (1979). The government filed a new complaint on September 13 alleging violations of Title 18, United States Code, Sections 1001 and 1621. On October 9, 2002, defendant was charged with racketeering, fraud, money laundering and material support to terrorism. The case was assigned to this Court. Defendant will have another detention hearing on November 21.

II. DEFENDANT'S CONDITIONS OF CONFINEMENT

As the Court noted at the status on November 5, the parties dispute the conditions of defendant's confinement. Defendant claims that he has been denied outdoor exercise. This is the second time the defendant raises such an assertion. The Special Housing Unit Record, attached as

Exhibit A, refutes this claim. That record reflects the daily activities of defendant. As reflected therein, defendant has received "Exercise" on a regular basis. Where an "R" appears in the Exercise column, defendant refused his opportunity for exercise. Thus, defendant's complaint is unfounded.

Defendant next complains that he has been disallowed contact visits with his family. However, defendant has been receiving contact visits with his wife and children since early August based on the Warden's decision to allow the defendant such visits.¹

Defendant also complains that his legal mail was opened in violation of Bureau of Prisons policy. The government discussed this matter with the Warden of the MCC who reported that defendant's legal mail was opened because it had been improperly addressed. The BOP has a specific manner in which legal mail must be addressed, and defendant apparently failed to comply with those requirements. The Warden has assured the government that defendant's properly addressed legal mail will not be opened. Moreover, MCC Attorney Vince Shaw informed the government that defendant's mail is not receiving treatment different from any other mail entering the MCC. In any event, the government was unaware that the defendant's mail had been opened until raised by defendant and the government is unaware of its contents.

Defendant was without Muslim services at the MCC until November 8. The MCC as a whole has not had an imam available for any of its prisoners since prior to defendant's arrest. Thus, defendant has been in the same position as every Muslim inmate at the MCC. The Warden had been working to find an imam for defendant and all Muslim defendants confined at the MCC in order to address this issue. The government was informed late last week that an imam was found for the

¹ Defendant complains that his contact visits are humiliating due, apparently, to the fact that he is moved to a visitor's room in handcuffs. According to MCC personnel, every prisoner (including cooperators) is transported in that same manner.

MCC, and defendant had his first meeting with the imam on Friday, November 8. It is the government's understanding that such meetings will continue to occur with regularity.

Defendant demands that the government "certify" that it is not recording or listening to his attorney/client protected conversations occurring at the MCC. The government, in front of Judge Gottschall, declined to do what it never does for any inmate: certify as to whether or not it is engaging in covert recordings or other covert investigations..

Finally, defendant complains that he is subjected to a three-man hold when being transported. However, defendant does not address (other than one incident that occurred in May or June) why the three-man hold disrupts him. If anything, the requirement of a three-man hold is as burdensome for the guards at the MCC as it is for defendant. Nonetheless, as an administrative facility tasked with the safety of its prisoners and its officers, the MCC is certainly due some latitude in determining the proper handling of its inmates. This Court should defer to the judgment of the BOP in determining whether defendant ought to be subjected to a three-man hold for the safety of the guards, other inmates, and defendant.²

In sum, defendant's sole remaining complaint is that he is subject to a three-man hold. Indeed, the Motion concludes by stating that "all that Mr. Arnaout has asked for since being incarcerated is contact visits with his wife and children, privileged access to his lawyers to assist in his defense, access to religious services, and regular exercise." Motion at 11. Defendant does not suffer from any of these grievances. Defendant's Motion should be denied accordingly.

² The consequences from an incorrect decision can be catastrophic. Mamdouh Salim, a member of the al Qaeda network who defendant assisted in covert travel through Europe, was supposed to be in a three-man hold but was not when he brutally attacked and maimed a prison guard in New York in October 2000.

III. THE APPROPRIATE VEHICLE TO ADDRESS DEFENDANT'S PRISON CONDITIONS IS A CIVIL LAWSUIT.

Defendant's Motion asks this Court to address his conditions of confinement at the MCC. Initially styled as a request for habeas relief, defendant, in his Supplement, acknowledged that his Motion "erroneously invoked" Title 28, United States Code, Section 2241. Supplement at 1. "Habeas corpus proceedings are the proper mechanism for a prisoner to challenge the 'legality or duration' of confinement. . . . A civil rights action, in contrast, is the proper method of challenging 'conditions of . . . confinement.'" *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) *citing Preiser*, 411 U.S. 475, 498-99 (1973). Thus, defendant, in challenging his conditions of confinement, should file a civil law suit requesting punitive and injunctive relief under 18 U.S.C. § 1983 or *Bivens*.

In *Preiser*, the Supreme Court addressed whether a state prisoner may bring an action for equitable relief under section 1983 or whether he is limited to a writ of habeas corpus. *Preiser*, 411 at 475. In that case, three state prisoners brought separate actions which asserted Civil Rights Act violations based on their loss of good time and failure to be released. The Supreme Court held that a writ of habeas corpus was the appropriate remedy since the writ is intended to attack illegal custody, future confinement, and future releases. *Id.* at 487. In so holding, the Court stated that "a section 1983 action is a proper remedy for a state prisoner who is making a constitutional challenge to the *conditions* of his prison life, but not to the fact or length of his custody." *Id.* at 499 (emphasis added). The Court then acknowledged that a writ of habeas corpus may also be available to challenge prison conditions in limited circumstances. *Id.*

Accordingly, the remedy available to defendant is civil in nature. This results in the filing of a new case which may or may not be handled by this Court and allows the prisoner opportunity

to be heard. *See also Wilwording v. Swenson*, 404 U.S. 249, 251 (1971) (stating that courts should treat habeas petitions as section 1983 actions where prisoner is challenging conditions of confinement rather than the fact of confinement); *Graham v. Broglin*, 922 F.2d 379, 381 (7th Cir. 1991) (stating that conditions of confinement should be handled as either a civil rights action or a habeas corpus matter). Thus, defendant should pursue civil remedies.

Defendant's Supplement asks this Court to ignore Supreme Court precedent and instead entertain defendant's complaints about his conditions of confinement because "none of the aforementioned authority precludes the court . . . from exercising its jurisdiction over [defendant]." Supplement at 4. In other words, because other courts, perhaps erroneously, have considered conditions of confinement as a part of a criminal case, defendant asks this Court to do the same.

Defendant cites *Falcon v. United States Bureau of Prisons*, 52 F.3d 137 (7th Cir. 1995) in support of his position. In *Falcon*, the defendant filed a writ of habeas corpus complaining that the site of his detention deprived him of the effective assistance of counsel. *Id.* at 138. The defendant there was being held in Illinois on an indictment pending in southern Florida, over 2000 miles away. *Id.* The defendant alleged that his detention in Illinois infringed on his right to effective assistance of counsel due to the distance between him and his attorney. *Id.* The Seventh Circuit held that a writ of habeas corpus was not the proper remedy because, under *Graham v. Broglin*, 922 F.2d at 381, the defendant had not requested a quantum change in the level of his custody. *Id.* The court instead directed the defendant to address his complaint to his trial judge who had authority pursuant to 18 U.S.C. § 3142(i) to address issues bearing on his right to consult with counsel. *Id.* at 139.

Unlike the defendant in *Falcon*, defendant is not being denied the right to meet with his attorney nor reasonable access to his attorney. Thus, *Falcon* is inapposite.³

Finally, defendant cites *United States v. Gotti*, 755 F.Supp. 1159 (E.D.N.Y. 1991), and *United States v. Suleiman*, No. 96 Cr. 933 WK, 1997 WL 220308 (S.D.N.Y. April 1, 1997)⁴ for the proposition that this Court should address his complaints. As stated in *Gotti*, there was no claim made in *Gotti* that the case was not properly before the court on the issue of conditions of confinement. *Gotti*, 755 F.Supp. at 1165. Here, the government challenges defendant's contention that a motion in a criminal case is a proper vehicle for challenging his conditions of confinement.

IV. DEFENDANT'S CONFINEMENT SERVES A LEGITIMATE NONPUNITIVE GOVERNMENT PURPOSE.

A. Prison Regulations Limiting Detainees' Privileges

"Not every disability imposed during pretrial detention amounts to 'punishment' in the constitutional sense." *Bell v. Wolfish*, 441 U.S. 520, 537 (1979). "Once the Government has excercised its conceded authority to detain a person pending trial, it obviously is entitled to employ devices that are calculated to effectuate this detention." *Id.* Consistent with this notion, "the Government must be able to take steps to maintain security and order at the institution . . ." *Id.* at 540.

³ Defendant also cites Federal Rule of Criminal Procedure 46 in support of this Court's jurisdiction over his Motion. Rule 46(g) states, "The court shall exercise supervision over the detention of defendants and witnesses within the district pending trial for the purpose of eliminating all unnecessary detention." Found within the rule entitled "Release from Custody," this rule addresses whether individuals should be detained pending trial, not the conditions of detention.

⁴ In *Suleiman*, there is no discussion of why the court and the parties addressed the prison conditions in front of the criminal trial judge.

Of course, there are limits on the restrictions which prison officials may impose on a pretrial detainee. Specifically, "under the Due Process Clause, a detainee must not be punished prior to an adjudication of guilt in accordance with due process of law." *Id.* at 535. Following this axiom, "[a] court must decide whether the disability is imposed for the purpose of punishment or whether it is but an incident of some other legitimate governmental purpose." *Id.* at 538. "Absent proof of intent to punish, . . . this determination 'generally will turn on 'whether an alternative purpose to which [the restriction] may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned [to it].'" *Block v. Rutherford*, 468 U.S. 576, 584 (1984) (quoting *Wolfish*, 441 U.S. at 538) (quoting *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168-69 (1963)) (brackets in original). "Restraints that are reasonably related to the institution's interest in maintaining jail security do not, without more, constitute unconstitutional punishment, even if they are discomforting and are restrictions that the detainee would not have experienced had he been released while awaiting trial." *Wolfish* at 540. "Conversely, if a restriction or condition is not reasonably related to a legitimate goal – if it is arbitrary and purposeless – a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon detainees *qua* detainees." *Id.* at 539.

In determining whether restraints are justifiable, this Court should generally defer to the decisions of the Bureau of Prisons since "prison administrators . . . and not the courts, [are] to make the difficult judgments concerning institutional operations." *Jones v. North Carolina Prisoners' Union*, 433 U.S. 119, 128 (1977). Indeed, "[s]ubjecting the day-to-day judgments of prison officials to an inflexible strict scrutiny analysis would seriously hamper their ability to anticipate security problems and to adopt innovative solutions to the intractable problems of prison administration."

Turner v. Safley, 482 U.S. 78, 89 (1987). Moreover, if the level of constitutional scrutiny were greater, "[c]ourts inevitably would become the primary arbiters of what constitutes the best solution to every administrative problem, thereby 'unnecessarily perpetuat[ing] the involvement of the federal courts in affairs of prison administration.'" *Id.* (quoting *Procunier v. Martinez*, 416 U.S. 396, 407 (1974), *overruled in part*, *Thornburgh v. Abbott*, 490 U.S. 401 (1989)). This type of judicial intrusion would be problematic as "[s]uch considerations are peculiarly within the province and professional expertise of corrections officials." *Pell v. Procunier*, 417 U.S. 817, 827 (1974). Thus, "in the absence of substantial evidence in the record to indicate the officials have exaggerated their response to these considerations courts should ordinarily defer to their expert judgment." *Id.*

Deference is particularly appropriate when the restrictions at issue purport to promote security interests. For example, "prison officials may well conclude that certain proposed interactions, though seemingly innocuous to laymen, have potentially significant implications for the order and security of the prison." *Abbott*, 490 U.S. at 407. Thus, as long as prison officials "'put forward' a legitimate government interest, and provide some evidence that the interest put forward is the actual reason for the regulation," the restriction likely will be upheld. *Casey v. Lewis*, 4 F.3d 1516, 1520-21 (9th Cir. 1993) (quoting *Walker v. Sumner*, 917 F.2d 382, 385 (9th Cir. 1990)). See also *Sutton v. Settle*, 302 F.2d 286, 288 (8th Cir. 1962) ("Courts have uniformly held that supervision of inmates of federal institutions rests with the proper administrative authorities and that courts have no power to supervise the management and disciplinary rules of such institutions."); *Garcia v. Steele*, 193 F.2d 276, 278 (8th Cir. 1951) (same). Moreover, prison officials are allowed constitutional room to "anticipate security problems and to adopt innovative solutions to the intractable problems of prison administration." *Turner*, 482 U.S. at 89. Therefore, as an example,

a prison administrator's failure "to specify a past event wherein a contact visit resulted in assault, escape, or hostage-taking, does not render irrational the adoption and implementation of a non-contact policy." *Casey*, 4 F.3d at 1521.

Following these principles, the Supreme Court has suggested four factors to be considered in evaluating the reasonableness of a prison regulation. "First, there must be a 'valid, rational connection' between the prison regulation and the legitimate governmental interest put forward to justify it." *Turner*, 482 U.S. at 89. This factor requires the court to reject a restriction where "the connection between the regulation and the asserted goals is so remote as to render the policy arbitrary and irrational." *Id.* at 89-90. Second, the court should determine "whether there are alternative means of exercising the right that remain open to prison inmates." *Id.* at 90. "Where 'other avenues' remain available for the exercise of the asserted right, courts should be particularly conscious of the measure of judicial deference owed to corrections officials . . . in gauging the validity of the regulation." *Id.* Third is the "impact accommodation of the asserted constitutional right will have on guards and other inmates, and on the allocation of prison resources generally." *Id.* Fourth, the court should consider "the absence of ready alternatives [as] evidence of the reasonableness of a prison regulation." *Id.* "This is not a 'least restrictive alternative' test: prison officials do not have to set up and then shoot down every conceivable alternative method of accommodating the [defendant's] constitutional complaint." *Id.* at 90-91. But, if a defendant can identify an "alternative that fully accommodates the prisoner's rights at *de minimis* cost to valid penological interests, a court may consider that as evidence that the regulation does not satisfy the reasonable relationship standard." *Id.* at 91.

Due process also prohibits prison officials from adopting or permitting prison conditions which themselves inflict punishment on pre-trial detainees. Accordingly, to establish a constitutional violation the complaining detainee must show that the conditions of confinement at issue fail to meet "the minimal civilized measure of life's necessities," or there is no constitutional harm. *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981).

B. Applying the Standards to This Case

The Bureau of Prisons has imposed a three-man hold and ordered the defendant housed in the special housing unit in this case because defendant "ha[s] ties to terrorist groups which are known to engage in violence." See Warden Gruber's Response to Administrative Remedy, attached to the Motion as Exhibit B.⁵ The assessment of defendant's potential dangerousness is based not just upon the allegations in the indictment, but also on other public information as well as non-public, classified information available to the BOP. To address the potential risk posed by defendant, the BOP has determined that certain restrictions on his movements (having three officers available) are necessary safety measures. It is clear that these procedures are far from "arbitrary" and "purposeless."⁶

⁵ Defendant states, in the Motion, that "it can hardly be said that Mr. Arnaout is a prize catch in the government's so-called 'war on terror.'" Motion at page 8. Notably, however, defendant is implicated for his support of violent activity, he is alleged to have possessed an archive of al Qaeda and is uniquely the only criminal defendant in the American courts found to have a stored record of the founding of al Qaeda and the written *bayat* (pledges made by al Qaeda members), and has documented ties to Usama Bin Laden and Afghan war lord Gulbuddin Hekmatyar, who recently called for the killing of Americans.

⁶ Defendant suggests that he is facing the "harshest conditions available." Motion at ___. There is no evidence to support this allegation. Inmates in disciplinary segregation face conditions far worse than defendant. Indeed, government cooperators are often housed in the same administrative segregation unit where defendant's cell is located.

The four-factor *Turner* test has application here and focuses on whether the regulation at issue is reasonably related to a valid government interest. First, the BOP has as its primary concern the safety of its officers and prisoners. Defendant's conditions, namely the three-man hold, directly relate to the safety of the officers and prisoners at the MCC. Defendant has not and cannot show that the conditions are punitive in any way. Second, in regard to alternative avenues to exercise Constitutional rights, defendant fails to identify any such rights which have been withheld because he is transported securely.

The third prong of the *Turner* analysis, the impact on the facility, weighs against defendant. The MCC places the security of its institution as a top priority and has accepted additional burdens in this case. Finally, under *Turner*, there are no reasonable alternatives that ensure the safety of the MCC and its occupants. Simply requiring three individuals to move defendant allows BOP officials to remain confident in the safety of their institution.

The Government does not dispute that many of the conditions in the MCC are unpleasant. But they do not amount to a violation of the Constitution, for none of these conditions reflect an intent to punish defendant, and all are reasonably designed to fulfill the security requirements of the institution.⁷ Moreover, these conditions do not deny defendant "the minimal civilized measure of life's necessities." *Chapman*, 452 U.S. at 347; *see also Harris v. Fleming*, 839 F.2d 1232, 1235 (7th Cir. 1988) (inmate "cannot expect the amenities, conveniences and services of a good hotel"); *Coniglio v. Thomas*, 657 F. Supp. 409, 414 (S.D.N.Y. 1987) ("Unless objective assessment of prison

⁷ The same arguments concerning a lack of history of personal participation in violence advanced by defendant could have been advanced by defendant's purported business associate, Mamdouh Salim, who, under more stringent Special Administrative Measures authorized by the Attorney General, attempted to take hostages just prior to his trial and later pled guilty to attempting to murder a prison guard by brutally stabbing him in the eye.

conditions compels the conclusion that inmates are being subjected to unreasonable safety risks, the federal courts must avoid becoming enmeshed in the minutiae of prison operations, and should decline second-guessing prison administrators in the operation of correctional facilities.").

Defendant cites *United States v. Suleiman*, 1997 WL 220308, (S.D.N.Y. 1997), in support of his Motion. In *Suleiman*, the court entertained, the government believes incorrectly, the defendant's complaints about his conditions of confinement. *Id.* at *1. The court ultimately ordered that Sulciman be released from administrative detention. *Id.* at *3. Defendant attempts to claim a stronger case for relief than the defendant in *Suleiman* by stating, in essence, that Suleiman had direct ties to a bomber of the World Trade Center, but "there is no allegation that Mr. Arnaout is connected in any way to the September 11 terrorist attacks." Motion at 8.

The facts here compare favorably with Sulciman. Suleiman was linked directly to one of the World Trade Center bombers, but not the bombing itself. Here, Arnaout is linked to key players in al Qaeda who collectively are responsible for thousands of deaths: there is direct correspondence between defendant and Usama Bin Laden, the leader of al Qaeda; defendant has the archive with notes of the meeting where al Qaeda was founded and where the text of the original *bayat* (loyalty pledge) was written; defendant is tied to Mamdouh Salim (one of the people who helped found al Qaeda, who sought to obtain components for nuclear weapons and who maimed an officer at the MCC-New York, when a three-man hold was not used, as part of an effort to take defense counsel and others hostage); defendant is tied to Mohamed Bayazid (another key member of the al Qaeda network who sought to get uranium for nuclear weapons) and Saif ul Islam (the BIF officer in Chechnya who was a military expert and a leader of al Qaeda and who has been tied in other proceedings to the persons who attacked the American forces in Mogadishu, Somalia, in 1993);

defendant is tied to Wadih el Hage (convicted of conspiracy to kill Americans after a trial in New York during which he attempted to assault the trial judge during pre-trial proceedings) in that defendant's archive which contained al Qaeda documents also contained a personnel file of Wadih el Hage from the time that el Hage attended a training camp in Afghanistan; defendant is tied directly to moving weapons for Gulbuddin Hekmatyar, an Afghan warlord associated with Bin Laden who has recently sought to exhort his followers in Afghanistan to attack Americans; defendant has been linked to Ibn al Khattab, a Chechen warlord believed to have been killed recently, who had been linked in public reports in the past to the bombing of an apartment building in Russia; and otherwise is associated with various mujahideen throughout the world. The al Qaeda network consists of people with terrorism and intelligence training, and defendant is directly tied to the BIF officer in Bosnia who is charged with espionage because he was found to have classified documents in his possession. Indeed, defendant and he discussed by telephone the fact that another BIF associate was airlifted from Bosnia to Guantanamo Bay, Cuba, and their fear that he might reveal some of their secret activity. Based upon this information – to say nothing of other non-public information, including classified information – BOP is not irrational in considering that defendant poses some security risks requiring appropriate precautions.

Defendant cites the *Cortes* case – a civil case – for the proposition that the conditions of confinement in that case were unconstitutional. *Cortes v. Luther*, No. 84 C. 1695 (N.D.Ill. May 8, 1984). In *Cortes*, Judge Plunkett found that *due to the length of time* spent in solitary confinement (namely 10 months while an appeal was pending and at least six more months before a trial could begin) the conditions were unconstitutional. In fact, in the same case, Judge Plunkett ruled earlier that the conditions were not unconstitutional. *Id.* Here, the parties have set a short trial date and

defendant's conditions of confinement will likely not extend the duration of the defendants in *Cortes* where the defendants were to be held over 16 months prior to the beginning of any trial. *See also United States v. El-Hage*, 213 F.3d 74, 78-80 (2nd Cir. 2000) (holding that there is no due process violation for a defendant who would be confined at least thirty months under restrictive conditions prior to trial and stating, “[w]hile the length of pretrial detention is a factor in determining whether due process has been violated, the length of detention alone is not dispositive and ‘will rarely by itself offend due process.’”) (quoting *United States v. Millan*, 4 F.3d 1038, 1044 (2d Cir. 1993)).

V. CONCLUSION

WHEREFORE, the government respectfully requests that this Court deny defendant's Motion.

Respectfully submitted,

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*See Case
File for
Exhibits*

Via INTELWIRE.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

UNITED STATES OF AMERICA)

Plaintiff)

v. DEC 02 2002)

ENAAM ARNAOUT,)

Defendant.)

)
No. 02 CR 892
)

) Judge Suzanne B. Conlon
)
)

NOV 26 2002
Judge Suzanne B. Conlon
United States District Court

FILED

**MOTION FOR A HEARING REGARDING THE CONSTITUTIONALITY
OF THE BOSNIAN SEARCHES**

Defendant, Enaam Arnaout, through undersigned counsel, respectfully requests this Court, pursuant to Fed. R. Crim. P. 12(b)(3), to conduct a hearing regarding the constitutionality of the searches conducted in Bosnia and to suppress the items seized there if the searches did not comply with constitutional requirements. In support of this motion, Arnaout states the following:

I. The Government's Conduct

On or about March 19, 2002, agents from the FBI, in conjunction with Bosnian law enforcement officials, raided approximately eight (8) locations in Bosnia. The extensive raids were conducted by dozens of agents from several law enforcement agencies. Specifically, four locations in Zenica, Bosnia were searched: (a) the temporary office of Bosnian Ideal Future, (b) a BIF staff person's residential apartment, (c) an apartment where Mr. Arnaout's relatives reside, and (d) a storage facility formerly used by BIF. Simultaneously, agents raided four locations in Sarajevo, Bosnia: (a) an office of Bosnian Ideal Future, (b) Mr. Arnaout's apartment, (c) a BIF employee's apartment, and (d) the apartment where the family of a BIF employee resides. *See Preliminary Hearing Tr.*

Via INTERWIRE.COM attached as Ex. A. Several of the items seized were found in basements of the

residential apartment buildings where BIF staff persons lived or where the relatives of BIF staff persons lived.¹

The searches were conducted by FBI agents in conjunction with agents from various Bosnian law enforcement agencies, including the special police, the federal police, cantonal police, and the local police. Agents seized a variety of items from each Bosnian location, including computers and computer equipment, video and audio tapes, documents, and books. According to FBI Agent Walker, "Bosnian police provided the information to FBI agents who were on the ground in Bosnia . . . – the FBIs that's on the ground in Bosnia observed the searches and actually participated in how the evidence rooms were set up and structured and they are very involved in how the evidence is being handled for chain of custody purposes." *See generally* Prelim. Hearing Tr. 5/10/02 at 61-2, attached as Exhibit B.

II. Arnaout has standing to challenge the searches conducted in Bosnia

Further, there is no doubt that Arnaout has standing to challenge the constitutionality of the search conducted of his apartment in Sarajevo, Bosnia because of his "legitimate expectation of privacy" in his home. "A reasonable expectation of privacy exists when "(1) the complainant exhibits an actual (subjective) expectation of privacy, and (2) the expectation is one that society is prepared to recognize as reasonable." *United States v. French*, 291 F.3d 945, 951 (7th Cir. 2002). The Bosnian court order submitted to this Court by the government authorizes the search of "the apartment, (owned by Ennam Arnaut [sic] and used by his spouse, Aida Bajraktarevic), which is located in Sarajevo." *See*

¹For instance, the affidavit filed in support of the criminal complaint explains that authorities recovered "three firearms, a ski mask, numerous military manuals on topics including small arms and explosives, a fraudulent passport, and BIF correspondence." (Complaint ¶ 17). Upon information and belief, the majority of these items were seized from the home where Munib Zahiragic's father resides. Mr. Zahiragic is a former staff person employed with BIF in Bosnia, but the relevance of items seized from his father's apartment is difficult to fathom.

Ex. C. “[P]rivate residences are places in which the individual normally expects privacy free of governmental intrusion . . . , and that expectation is plainly one that society is prepared to recognize as justifiable.” *United States v. Karo*, 468 U.S. 705, 714 (1984); *Bumper v. North Carolina*, 391 U.S. 543, 548 (1968) (“[T]here can be no question of the petitioner’s standing to challenge the lawfulness of the search. He was the ‘one against whom the search was directed,’ and the house searched was his home”)(internal citations omitted). Because Arnaout’s expectation of privacy in his home is entirely reasonable, he has standing to challenge the constitutionality of the search.

III. Mr. Arnaout is entitled to a hearing to determine whether the Bosnian raids were conducted in violation of the Fourth Amendment

The Fourth Amendment provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. IV. To assure that law enforcement officers abide by the strictures of the Fourth Amendment, the Supreme Court created the exclusionary rule, which dictates that evidence obtained in violation of the Fourth Amendment cannot be used in a criminal proceeding. *Mapp v. Ohio*, 367 U.S. 643, 654 (1961).

Whether the Fourth Amendment and its exclusionary rule applies to foreign searches depends upon the level of involvement of officials from the United States. The focus of the inquiry is whether “American law enforcement officials participated in the foreign search, or if the foreign authorities actually conducting the search were acting as agents for their American counterparts.” *United States v. Morrow*, 537 F.2d 120, 139-40 (5th Cir. 1976) (refusing to suppress evidence where American official’s involvement was limited to placing a single telephone call to Canadian authorities). This is a

fact-intensive inquiry. As the Seventh Circuit explained in *United States v. Marzano*, 537 F.2d 257, 270-71 (7th Cir. 1975), the inquiry whether the United States government "participated so as to render the search Government action must be determined by examining the facts surrounding the search." The *Marzano* court reviewed the hearing testimony and found that, because the Grand Cayman law enforcement "jealously guarded his prerogatives" and severely limited the FBI involvement, the FBI acted only as observers, 537 F.2d at 270.²

Agent Walker's testimony leaves little doubt that American agents participated in the Bosnian raids. It is well documented that since September 11th there has been unprecedented cooperation between United States law enforcement agencies, U.S. foreign intelligence agencies and foreign law enforcement and intelligence agencies. With that increased cooperation comes an increased burden on the courts to assure that the constitutional rights of United States citizens are not trampled. The Fourth Amendment will not permit evidence to be introduced at trial, if seized in a foreign country, with the involvement of U.S. law enforcement, in violation of the constitution. "[T]he court must be vigilant to scrutinize the attendant facts with an eye to detect and a hand to prevent violations of the Constitution by circuitous and indirect methods." *Byars v. United States*, 273 U.S. 28, 32 (1927).

It is uncontested that the federal government's criminal investigation into Arnaout predates the Bosnian raids and, according to Agent Walker, federal law enforcement officers were "on the ground

²Evidence seized outside the United States is also subject to seizure if "the circumstances of the foreign search and seizure are so extreme that they 'shock the conscience.'" See *United States v. Barona*, 56 F. 3d 1087, 1091 (9th Cir. 1995) ("This type of exclusion is not based on our Fourth Amendment jurisprudence, but rather on the recognition that we may employ our supervisory powers when absolutely necessary to preserve the integrity of the criminal justice system."); *United States v. Morrow*, 537 F.2d 120, 139 (5th Cir. 1976). Absent a hearing on how the searches in Bosnia were conducted, it will be impossible for this Court to determine whether the circumstances of the searches

in Bosnia" and "actually participated" in events there. Unlike most cases involving foreign searches where the criminal defendant was in the country where the search was conducted, Mr. Arnaout was in the United States on March 19, 2002, during the raids in Bosnia. In light of the extraordinary circumstances of this case, this Court should conduct a hearing to determine the extent of the federal government's participation in the Bosnian raids and the constitutionality of those raids to ensure that evidence is not admitted against Mr. Arnaout which was seized in violation of his constitutional rights.

IV. Conclusion

For the foregoing reasons, Mr. Arnaout requests the Court to order the government to provide a detailed account of the searches in Bosnia and to set this matter for a hearing regarding the constitutionality thereof.

Dated: November 26, 2002

Respectfully submitted,

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DEC 10 2002

FBI

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

DOCKETED
 DEC 17 2002

UNITED STATES OF AMERICA
 v.
 ENAAM M. ARNAOUT

U.S. DISTRICT COURT
)
) No. 02 CR 892
) Hon. Suzanne B. Conlon
)

**RESPONSE TO DEFENDANT'S MOTION FOR A HEARING REGARDING THE
 CONSTITUTIONALITY OF THE BOSNIAN SEARCHES**

The UNITED STATES OF AMERICA, by its attorney PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits the following response to defendant Enaam M. Arnaout's Motion for a Hearing Regarding the Constitutionality of the Bosnian Searches ("Motion"). For the reasons set forth below, defendant's Motion should be denied.

Defendant filed a Motion requesting a detailed accounting of the Bosnian searches and seeking a hearing on the constitutionality of the Bosnian searches. Defendant argues that he has standing to challenge the search of his apartment in Sarajevo, Bosnia, because of his expectation of privacy in his home. Because the government will not be seeking to admit any evidence seized at defendant's home in Bosnia, there is no need for either a detailed accounting or a hearing regarding the search of that location. However, defendant's Motion implicates seven other searches that occurred in Bosnia. Defendant has not demonstrated standing to challenge any of the other searches which occurred in Bosnia, and has failed to cite any factual disputes making a hearing necessary. The Court should deny defendant's requests for a detailed accounting and a hearing.

I. Background

On or about March 19, 2002, Bosnian law enforcement officials searched eight locations in Bosnia. The searches in Bosnia were conducted pursuant to court orders. *See* Orders, attached

Via INTELWIRE.com

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hereto as Group Exhibit A. Those orders state, for example,

According to the information, which the Investigational Judge received from the Sarajevo Federal Judiciary on the date of 15.03.2002, there is a likelihood that with a search of the office spaces the suspected will be found, related to evidence of punitive acts and items important for punitive procedure. For these reasons, the Investigational Judge on the basis of Article 195, Article 196 and Article 200 made the aforementioned Order.

See Order for search of office space used by "Bosanska Idealna Futura" in Zenica (an alleged successor company to Benevolence International Foundation).

II. Defendant Failed to Demonstrate Standing to Challenge the Bosnian Searches Other Than The Search of His Apartment.

In his Motion, defendant lists the locations that were searched in Bosnia and then asserts standing as to only the search of his apartment where defendant lived with his wife. Other than the search of that one location, defendant has not shown what standing he has to object to the search of any of the other seven locations.

"Fourth Amendment rights are personal and cannot be asserted vicariously." *See Bond v. United States*, 77 F.3d 1009, 1013 (7th Cir. 1996), *citing United States v. Payner*, 447 U.S. 727, 731 (1980). "An individual can urge suppression of evidence only if *his* Fourth Amendment rights were violated by the challenged search or seizure; it is not enough that a person is aggrieved by the introduction of damaging evidence derived from the search." *Id.* (emphasis in original), *citing United States v. Padilla*, 508 U.S. 77, 81-82 (1993). The question of standing turns on whether the person challenging the search had a legitimate expectation of privacy in the place or object to be searched. *See Rawlings v. Kentucky*, 448 U.S. 98 (1980).

Here, defendant asserts standing only as to the constitutionality of the search of his apartment in Sarajevo, Bosnia. The government agrees that as to that one location, defendant has standing to

object to the search. However, the government does not intend to seek the admission of any items found during the search of defendant's apartment. Accordingly, a hearing regarding the constitutionality of the search is not necessary.

Defendant has not demonstrated how the seven other searches violated *his* privacy rights. Indeed, the heading to Section II of defendant's Motion states "Arnaout has standing to challenge the searches conducted in Bosnia," but the text following asserts standing only as to the apartment in Bosnia. It is defendant's burden to show standing to object to an alleged constitutional violation, *Randle*, 966 F.2d at 1213, and barring that showing as to the seven other searches, defendant's Motion should be denied.

III. Defendant Failed to Demonstrate the Need for a Hearing.

Defendant moved the Court for a hearing regarding the constitutionality of the Bosnian searches. In support of his Motion, defendant details the facts leading up to and including the eight searches in Bosnia, Motion at pages 1-2, asserts standing as to one of the eight locations, Motion at pages 2-3, and then states that this Court must hold a hearing to determine whether the searches comported with the Fourth Amendment. Motion at pages 3-5.¹

The burden is on defendant to establish that a hearing is necessary on his motion. *United States v. Rodriguez*, 69 F.3d 136, 141 (7th Cir. 1995); *United States v. Randle*, 966 F.2d 1209, 1212 (7th Cir. 1992). Defendant cannot meet his burden by merely stating conclusory allegations in his

¹ Defendant mentions in Footnote One of his Motion a number of items that were seized during the Bosnian searches. Defendant states, "the relevance of items seized from [Zahiragic's] father's apartment is difficult to fathom." The government responds only to state that any evidence not relevant to the pending charges against defendant will not be admitted at trial. Fed.R.Ev. 402. However, the *relevance* of the seized items has no bearing whatsoever on the constitutionality of the searches.

moving papers; instead, “[a] defendant must present definite, specific, detailed, and nonconjectural facts that justify relief before a district court will grant a suppression hearing.” *Randle*, 966 F.2d at 1212 (internal quotation marks omitted). *See also Rodriguez*, 69 F.3d at 141 (same). Additionally, these facts must be material, and they must be disputed. *Randle*, 966 F.2d at 1212 (citing, *inter alia*, *United States v. Goudy*, 792 F.2d 664, 667 (7th Cir. 1986))(emphasis added)(internal quotation marks omitted). Barring a *prima facie* showing of illegality, no hearing is required. *See United States v. Sims*, 879 F. Supp. 883, 889 (N.D.Ill. 1995) (finding that the defendant failed to make a *prima facie* showing of illegality and denying a hearing), *citing Randle*, 966 F.2d at 1212. In this case, a hearing is unnecessary, as defendant fails to set forth any facts that justify relief and fails to make, or even attempt to make, a *prima facie* showing of either illegality or standing.

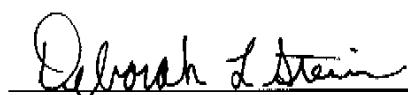
If defendant were entitled to a hearing without identifying material facts in dispute, a hearing would occur in every criminal case, and the Seventh Circuit's standard would be eviscerated.²

² Defendant mentions in a footnote that the searches would be subject to suppression if they “shock the conscience.” Defendant claims that absent a hearing, the court could not determine whether a search is shocking. Motion at 4, footnote 2. Defendant is wrong. If the searches in fact shocked the conscience, defendant would need only submit an affidavit of any person present for a search who could detail its alleged atrocities. Absent that, a hearing is not required.

IV. Conclusion

WHEREFORE, the government respectfully requests that the Court deny defendant's Motion for a Hearing Regarding the Constitutionality of the Bosnian Searches.

Respectfully submitted,


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*See Case
File for
Exhibits*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	<u>UNDER SEAL</u>
)	
v.)	No. 02 CR 892
)	
ENAAM M. ARNAOUT)	Hon. Suzanne B. Conlon

**GOVERNMENT'S EVIDENTIARY PROFFER SUPPORTING
THE ADMISSIBILITY OF COCONSPIRATOR STATEMENTS**

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits this proffer, pursuant to Federal Rule of Evidence 801(d)(2)(E) and *United States v. Santiago*, 582 F.2d 1128 (7th Cir. 1987), of the government's evidence supporting the admission of coconspirators' statements at trial.

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III. CONCLUSION101

I. GOVERNING LAW

The Federal Rules of Evidence provide that a "statement" is not hearsay if it "is offered against a party" and is "a statement by a coconspirator of a party during the course and in furtherance of the conspiracy." Fed. R. Evid. 801(d)(2)(E). Below are summaries of the case law interpreting this rule, the background of the charged conspiracy, the evidence of the conspiracy and its participants, and the evidence showing that the proffered coconspirator statements were made during and in furtherance of the conspiracy.

A. General Principles

The admission of a coconspirator statement against a defendant is proper where the government establishes, by a preponderance of evidence, that: (1) a conspiracy existed; (2) the defendant and the person making the cited statement were members of that particular conspiracy; and (3) that the statement was made during the course and in furtherance of the conspiracy. *See Bourjaily v. United States*, 483 U.S. 171, 175 (1987); *United States v. Gajo*, 290 F.3d 922, 928 (7th Cir. 2002); *United States v. Centracchio*, 265 F.3d 518, 530 (7th Cir. 2001); *United States v. Godinez*, 110 F.3d 448, 454 (7th Cir. 1997); *Santiago*, 582 F.2d at 1130-31.

The Seventh Circuit has "identified several options available to the district court to determine the admissibility of *Santiago* evidence: (1) make a preliminary determination based on the government's proffer of evidence, (2) rule on each statement as elicited at trial based on the evidence presented at that point, (3) conditionally admit the evidence without a proffer subject to eventual supporting evidence to be presented sometime at trial (risking, of course, a possible mistrial), or (4) hold a 'full-blown' pre-trial hearing to consider all the evidence and make a decision." *United States v. Hunt*, 272 F.3d 488, 494 (7th Cir. 2001). However, the court "often discouraged the fourth alternative, a full-blown pre-trial hearing, as inefficient and potentially duplicative." *Id.* (citing *United States v. McClellan*, 165 F.3d 535, 554 (7th Cir.1999)). In this circuit, the preferred way for the government to make its preliminary "coconspirator-statement" factual showings is by the filing of a pretrial written proffer of the government's evidence.¹ *See*

United States v. Rodriguez, 975 F.2d 404, 406 (7th Cir. 1992); *United States v. Hooks*, 848 F.2d 785, 794-95 (7th Cir. 1988).

In determining whether a coconspirator statement is admissible pursuant to Rule 801(d)(2)(E), the court may examine the coconspirator statement itself to decide whether a conspiracy existed and whether the defendant participated in it. "Bootstrapping" in this fashion is expressly permitted — the statement of a coconspirator may be the predicate for its own admissibility. *Bourjaily*, 107 S.Ct. at 2781-82; *Godinez*, 110 F.3d at 454-55; *see also United States v. Zambrana*, 841 F.2d 1320, 1344-45 (7th Cir. 1988) (discussing how overall context of coconspirator statements is what makes the statements very reliable as evidence of a defendant's role in a conspiracy). The evidence used in showing a conspiracy and a given defendant's participation in that conspiracy may be either direct or circumstantial. *United States v. Redwine*, 715 F.2d 315, 319 (7th Cir. 1983).

Case law makes clear that a "conspiracy" under Rule 801(d)(2)(E) includes any joint venture, including lawful ones. *See United States v. Kelley*, 864 F.2d 569, 573 (7th Cir. 1989) ("[W]e initially note that Rule 801(d)(2)(E) applies not only to conspiracies but also to joint ventures, and that a charge of criminal conspiracy is not required to invoke the evidentiary rule"); *United States v. Coe*, 718 F.2d 830, 835 (7th Cir. 1984) ("Conspiracy as an evidentiary rule differs from conspiracy as a crime. The crime of conspiracy comprehends much more than just a joint venture or concerted action, whereas the evidentiary rule of conspiracy is founded on concepts of agency law.... The government did not have to prove by a preponderance of the evidence all the elements of the criminal conspiracy before Coe's statement could be admitted

¹ This Court has substantial discretion in the manner in which it decides to evaluate the admissibility of coconspirator statements. Although the pre-trial proffer is the customary procedure, the Court may admit coconspirator statements subject to the government's eventual proof at trial by preponderance of the evidence of the elements required under Fed. R. Evid. 801(d)(2)(E). *See United States v. Doerr*, 886 F.2d 944, 967 (7th Cir. 1989).

against Korenak and Joseph. The proposition that the government did have to establish by a preponderance of independent evidence was that Coe, Korenak and Joseph were engaged in a joint venture – that there was ‘a combination between them[.]’” (quoting *Hitchman Coal & Coke Co. v. Mitchell*, 245 U.S. 229, 249 (1917)) (internal citations omitted); *United States v. Layton*, 855 F.2d 1388, 1400 (9th Cir. 1988), *overruled on other grounds*, *United States v. George*, 960 F.2d 97, 99 (9th Cir. 1992) (“[T]he district court correctly determined that Rule 801(d)(2)(E) applies to statements made during the course and in furtherance of any enterprise, whether legal or illegal, in which the declarant and the defendant jointly participated.”). Indeed, the “conspiracy” for purposes of Rule 801(d)(2)(E) can be any joint venture and need not be one charged in an indictment – in fact, the rule can be invoked in civil cases. *Coe*, 718 F.2d at 835-36.

Importantly, the coconspirator need not be specifically identified in order for his or her statement to be admitted as a coconspirator’s statement. In *United States v. Smith*, 223 F.3d 554, 570 (7th Cir. 2000), a prosecution of leaders of the Gangster Disciples (“GDs”) street gang, the Seventh Circuit upheld the admission of a document identifying high-ranking GDs as a coconspirator’s statement, even though the author was unknown. The court explained:

The details contained in “The List” were such that it could only have been written by a member of the GDs or by someone sufficiently involved with the business to be intimately familiar with it – in other words, by a co-conspirator. The defendants are wrong to suggest that it is necessary to know the precise identity of a coconspirator before statements can be admitted under Rule 801(d)(2)(E).

Id. Likewise, in *United States v. De Guidino*, 722 F.2d 1351, 1356 (7th Cir. 1984), cited in *Smith*, the court upheld the admission of a similar, anonymously-authored document:

The contents of the pollo lists also establish the lists as co- conspirator statements admissible under rule 801(d)(2)(E) of the Federal Rules of Evidence. This rule provides that a statement is not hearsay (and thus is admissible) if it is a statement made by a co-conspirator of a party during the course and in furtherance of the conspiracy. In the present case, the contents of the lists clearly show that their author was familiar with the

workings of the conspiracy. The fact that the lists contain dates and records of payment is evidence that they were written during the course of the conspiracy. The names, dollar figures, and telephone numbers are evidence that the lists were utilized to maintain information necessary to continue the smuggling activities of the conspiracy. Since this evidence was not countered by any evidence that the lists were made at any time other than during the conspiracy or that the lists were not made to further the conspiracy, we hold that the lists were admissible as co-conspirators' statements.

See also United States v. Postal, 589 F.2d 862, 886 n. 41 (5th Cir. 1979) (admitting a document under Rule 801(d)(2)(E) and stating "Although it is not clear who authored the logbook . . . we think it inescapable that one of the crew of La Rosa did so.").

Admissions by a defendant are admissible against him pursuant to Rule 801(d)(2)(A), without reference to the coconspirator statement rule. *See United States v. Shoffner*, 826 F.2d 619, 626-27 & n.10 (7th Cir. 1987). Of course, a defendant's own admissions are obviously and powerfully relevant to establish the factual predicates for the admission of coconspirator statements against him. *See United States v. Potts*, 840 F.2d 368, 371-72 (7th Cir. 1987); *United States v. Alexander*, 741 F.2d 962, 966 (7th Cir. 1984), *overruled on other grounds*, *United States v. Ginsburg*, 773 F.2d 798, 802 (7th Cir. 1985).

Where Rule 801(d)(2)(E) is implicated, it is clear that once a conspiracy is established, "only slight evidence is required to link a defendant to it." *Shoffner*, 826 F.2d at 617 (quoting and citing prior authorities). It is also clear that "statements made during the course of and in furtherance of a conspiracy, even in its embryonic stages, are admissible against those who arrive late to join a going concern." *Potts*, 840 F.2d at 372 (citing cases). "Conversations made by conspirators to prospective coconspirators for membership purposes are acts in furtherance of the conspiracy." *Shoffner*, 826 F.2d at 628 (citations omitted).

Further, certain principles of general conspiracy law are relevant to Rule 801(d)(2)(E) inquiries that are made as to the existence of a conspiracy and a defendant's membership in it. For instance, a defendant joins a conspiracy if he i) agrees with a conspirator to participate in the project or enterprise that is the object of a scheme involving others, and ii) knowingly acts in

furtherance of that object; it is immaterial whether the defendant knows, has met with, or has agreed with every coconspirator. *United States v. Boucher*, 796 F.2d 972, 975 (7th Cir. 1986); *United States v. Balistreri*, 779 F.2d 1191, 1225 (7th Cir. 1985). Similarly, the government need not prove that a defendant knew each and every detail of the conspiracy or played more than a minor role in the conspiracy. *United States v. Liefer*, 778 F.2d 1236, 1247 n.9 (7th Cir. 1985); *United States v. Towers*, 775 F.2d 184, 189 (7th Cir. 1985). A defendant may be found guilty even if he joined or terminated his relationship with core conspirators at different times. *United States v. Ramirez*, 796 F.2d 212, 215 (7th Cir. 1986); *United States v. Noble*, 754 F.2d 1324, 1329 (7th Cir. 1985). Even after a conspirator has concluded his active participation in the activities of the conspiracy, the statements of coconspirators will be admitted against him, unless he affirmatively establishes that he has withdrawn from the scheme. *United States v. Feldman*, 825 F.2d 124, 129 (7th Cir. 1987).

In addition, coconspirators' statements generally may be relayed to the jury in their entirety to place the coconspirators' statements in context and make them intelligible for the jury. *United States v. Zizzo*, 120 F.3d 1338, 1348 (7th Cir. 1997); *United States v. Davis*, 890 F.2d 1373, 1380 (7th Cir. 1989).

B. The "In Furtherance" Requirement

To establish that a statement was made "in furtherance" of the conspiracy, the government need only show "some reasonable basis" upon which to conclude that the statement furthered the conspiracy. *United States v. Zizzo*, 120 F.3d 1338, 1352 (7th Cir. 1997); *United States v. Stephens*, 46 F.3d 587, 597 (7th Cir. 1995); *Shoffner*, 826 F.2d at 628. Furthermore, the government has a "relatively low burden of proof on this issue." *Shoffner*, 826 F.2d at 628 (collecting cases). Under the reasonable basis standard, a statement may be susceptible to alternative interpretations and still be "in furtherance" of the conspiracy; the statement need not have been exclusively, or even primarily, made to further the conspiracy in order to be admissible under the coconspirator exception. *United States v. Singleton*, 125 F.3d 1097, 1107 (7th Cir.

1997); *United States v. Powers*, 75 F.3d 335, 340 (7th Cir. 1996); *United States v. Stephenson*, 53 F.3d 836, 845 (7th Cir. 1995). Thus, updates on a conspiracy's progress, *Potts*, 840 F.2d at 371, and conversations concerning planning or review of coconspirators' exploits, *United States v. Molt*, 772 F.2d 366, 368-69 (7th Cir. 1985), are statements "in furtherance."

As discussed below, the Seventh Circuit has found a wide range of statements to satisfy the "in furtherance" requirement.

1. Statements Made to Execute the Conspiracy

Statements made by conspirators to conduct the business of the conspiracy and to accomplish its goals are "classic examples of statements made to conduct and further" a conspiracy. *United States v. Cox*, 923 F.2d 519, 527 (7th Cir. 1991). Such statements "intended to promote the conspiratorial objectives" are readily admitted pursuant to Rule 801(D)(2)(E). See, e.g., *United States v. Sinclair*, 109 F.3d 1527, 1534 (10th Cir. 1997); *United States v. Shores*, 33 F.3d 438, 444 (4th Cir. 1994). Statements which prompt the listener to act in a manner that facilitates the carrying out of the conspiracy are also made "in furtherance" of the conspiracy. *United States v. Monus*, 128 F.3d 376, 392 (6th Cir. 1997); *United States v. Simmons*, 923 F.2d 934, 945 (2d Cir. 1991). See also *United States v. Smith*, 833 F.2d 213, 219 (10th Cir. 1987) (sole purpose of conversation from coconspirator's perspective was to promote conspiracy's unlawful objectives; coconspirator's responses to individual's questions were designed to whet individual's interest in acquiring stolen property). Whether a particular statement tends to advance the objectives of the conspiracy or to induce the listener's assistance is determined by an examination of the context in which it is made. *Garlington v. O'Leary*, 879 F.2d 277, 284 (7th Cir. 1989).

2. Statements Regarding the Conspiracy's Activities

Similarly, statements "describing the purpose, method, or criminality of the conspiracy," are made in furtherance of the conspiracy because conspirators make such statements to guide each other toward achievement of the objectives of the conspiracy. *United States v. Ashman*, 979

F.2d 469, 489 (7th Cir. 1992). Likewise, statements that are part of the information flow between conspirators made in order to help each conspirator perform his role are "in furtherance" of the conspiracy *Gajo*, 290 F.3d at 929; *Godinez*, 110 F.3d at 454; *United States v. Herrero*, 893 F.2d 1512, 1527-28 (7th Cir. 1990); *Garlington*, 879 F.2d at 283-84; *United States v. Van Daal Wyk*, 840 F.2d 494, 499 (7th Cir. 1988). Statements to assure that a coconspirator can be trusted to perform his role also satisfy the "in furtherance" requirement. *United States v. Romo*, 914 F.2d 889, 897 (7th Cir. 1990); *United States v. Buihas*, 791 F.2d 1310, 1315 (7th Cir. 1986).

3. Statements to Recruit Conspirators

Statements made to recruit potential members of the conspiracy are made "in furtherance" of the conspiracy. *Godinez*, 110 F.3d at 454; *Shoffner*, 826 F.2d at 628. Indeed, "[c]onversations made by conspirators to prospective coconspirators for membership purposes are acts in furtherance of the conspiracy." *United States v. Dorn*, 561 F.2d 1252, 1256-57 (7th Cir. 1977).

4. Statements Regarding the Activities of Other Conspirators Designed to Inform or Reassure the Listener

Statements made by conspirators to other individuals who participate in, or interact with, the conspiracy, such as couriers, contribute to the conspiracy. *Van Daal Wyk*, 840 F.2d at 498-99. The Seventh Circuit has also found that "[s]tatements made to keep coconspirators informed about the progress of the conspiracy, to recruit others, or to control damage to the conspiracy are made in furtherance of the conspiracy." *Stephenson*, 53 F.3d at 845; *United States v. Curtis*, 37 F.3d 301, 307 (7th Cir. 1994).

As the Seventh Circuit held in *United States v. Pallais*, 921 F.2d 684, 688 (7th Cir. 1990):

The exchange of information is the lifeblood of a conspiracy, as it is of any cooperative activity, legal or illegal. Even commenting on a failed operation is in furtherance of the conspiracy, because people learn from their mistakes. Even identification of a coconspirator by an informative nickname . . . is in furtherance of the conspiracy, because

it helps to establish, communicate, and thus confirm the lines of command in the organization. Such statements are "part of the information flow between conspirators intended to help each perform his role," and no more is required to make them admissible.

The same logic dictates that discussions concerning a conspiracy's successes are admissible as statements in furtherance of the conspiracy. *See id.*; *Van Daal Wyk*, 840 F.2d at 499 ("statements were not made in superfluous causerie; they were part of the information flow between conspirators intended to help each perform his role").

Statements intended to reassure the listener regarding the progress or stability of the conspiracy also further the conspiracy. A coconspirator's statement describing a defendant's past drug deals furthered the conspiracy by reassuring the listener that the defendant would be a reliable source. *United States v. Sophie*, 900 F.2d 1064, 1073 (7th Cir. 1990). Likewise, statements made to reassure and calm the listener may further the conspiracy as well. *Garlington*, 879 F.2d at 284 (upholding admission of coconspirator's statement to defendant in a murder conspiracy "We're going to take care of him" reasoning that the statement encouraged the defendant to perform his task in the conspiracy).

5. Statements About the Progress and Accomplishments of the Conspiracy

Statements made by conspirators concerning past exploits by members of the conspiracy are in furtherance of the conspiracy when made to assist in managing and updating other members of the conspiracy. *Potts*, 840 F.2d at 371, *Molt*, 772 F.2d at 368-69. Similarly, statements regarding a conspirator's failure to fully accomplish the objective of the conspiracy are admissible "as updates on the status of the conspiracy" and how that status affected the future of the conspiracy. *United States v. Doyle*, 771 F.2d 250, 256 (7th Cir. 1985).

6. Statements to Conceal the Criminal Objectives of the Conspiracy

Finally, statements made to conceal the criminal objectives of the conspiracy are made "in

furtherance" of the conspiracy where ongoing concealment is one of its purposes. *United States v. Kaden*, 819 F.2d 813, 820 (7th Cir. 1987); *Xheka*, 704 F.2d at 985-86. "Avoiding detection by law enforcement officials clearly furthers the aims of a conspiracy." *United States v. Troop*, 890 F.2d 1393, 1404 (7th Cir. 1989). Statements made to control damage to an ongoing conspiracy have also been found to have been made in furtherance of the conspiracy. *See Van Daal Wyk*, 840 F.2d at 499.

C. Admission of Statements Without Regard to the Coconspirator Rule

As discussed above, statements that a defendant personally makes are admissible against him as admissions of a party-opponent pursuant to Rule 801(d)(2)(A) without reference to the coconspirator statement rule. *See Shoffner*, 826 F.2d at 626-27 & n.10. Statements that a conspirator does not make personally, but which he impliedly or expressly authorizes an agent to make in the context of an existing agency relationship are admissible pursuant to Rule 801(d)(2)(D). *United States v. Feldman*, 825 F.2d 124, 128 (7th Cir. 1987); *see also United States v. Gibson*, 690 F.2d 697, 701 (9th Cir. 1982).

D. The Absence of Confrontation Clause Issues with Coconspirator Statements

No separate Sixth Amendment confrontation issues are posed by the use of a non-testifying coconspirator's statements which are offered for their truth against the defendant. This is because the requirements for admission under Rule 801(d)(2)(E) are identical to "the requirements of the Confrontation Clause." *Bourjaily*, 483 U.S. at 182. Thus, there are no "constitutional problems" once Rule 801(d)(2)(E)'s requirements have been met. *Id.*; *United States v. Ceballos*, 302 F.3d 679, 689, n.2 (7th Cir. 2002) (stating that the Confrontation Clause of the Sixth Amendment does not apply to statements admitted under Rule 801(d)(2)(E)); *United States v. Singleton*, 125 F.3d at 1107-08; *see also Idaho v. Wright*, 497 U.S. 805, 814 (1990) (Confrontation Clause is not violated where hearsay statement falls within a firmly rooted hearsay exception). As a result, in considering the admissibility of proffered coconspirator

statements, the trial court does not consider whether or not the coconspirator-declarant is "unavailable" or whether there is independent evidence to establish the "reliability" of the proffered statements. *Inadi*, 475 U.S. at 400; *Bourjaily*, 483 U.S. at 183-84.

II. EVIDENCE OF THE CONSPIRACY, ITS PARTICIPANTS, AND STATEMENTS IN FURTHERANCE OF THE CONSPIRACY

Set forth below is the government's proffer demonstrating that the conspiracy described below existed at least as early as 1987 in Afghanistan and grew over the years to include individuals working in many additional countries.

The first section below provides an overview of the conspiracy, including overviews of defendant Arnaout's collaboration with *al Qaeda*, *Hezb e Islami* and other violent groups in various countries. The conversations recounted in those overviews and subsequent sections are merely summaries of oral statements in furtherance of the conspiracy. The documents summarized in the first section are discussed in more detail in the ensuing sections (where they are cited by their exhibit number in the appendix) which explain the evolution of BIF and the expansion of defendant Arnaout's support to violent organizations in various locations, along with the efforts defendant Arnaout employed to raise money fraudulently and to conceal facts from donors and the public.

A. Overview of Conspiracy

Outlined in detail in this proffer is a fifteen-year, international conspiracy to use ostensibly charitable organizations to support violence overseas on behalf of purportedly Islamic causes. As the evidence set forth below and in the appendix demonstrates, defendant Arnaout played an integral role in the conspiracy. As summarized in those sections, in the latter part of the 1980s, defendant Arnaout actively assisted *mujahideen* while working for a Saudi relief organization, *Lajnatt Al-Birr Al-Islamiah* ("LBI"), and other organizations within Afghanistan and Pakistan, along with Usama Bin Laden and others who ultimately established *al Qaeda* (literally translated as "the base"). Defendant Arnaout continued his work with those individuals and affiliated groups after *al Qaeda* formed and even after LBI evolved into Benevolence International Foundation, Inc. ("BIF") and incorporated in the U.S.² The assistance provided was neither incidental nor sporadic but a core mission of defendant Arnaout and those organizations.

Indeed, the evidence shows that defendant Arnaout's participation in the material support of violent *jihad* remained consistent in methods over the years and merely changed to expand the number of armed belligerents he and the BIF Enterprise (described in the Indictment) supported: first fighters in Afghanistan, then fighters in the Sudan, then Bosnia-Herzegovina (or "Bosnia") and then Chechnya, among others. The people and organizations he collaborated with over time – including, but not limited to, BIF (and LBI), its founder Adel Batterjee, Usama Bin Laden and his *al Qaeda* network, and Gulbuddin Hekmatyar and the *Hezb e Islami* ("Islamic Party") group – changed little over time, and indeed the plans made in Afghanistan and Pakistan in the late 1980s discussed below were made precisely for the purpose of establishing support for *jihad* in places outside of Afghanistan. Moreover, the trust and methods of operation that defendant Arnaout and the BIF Enterprise forged in Afghanistan with the *mujahideen* cemented the working relationships with various *mujahideen* as the work of the BIF Enterprise expanded to encompass the Sudan, Bosnia-Herzegovina ("Bosnia"), Chechnya and elsewhere, and continued at least until the day of defendant Arnaout's arrest. The agreement clearly violated American law in 1992

² Documents containing quoted and paraphrased statements in this proffer have been filed in a four-volume appendix to this proffer. With the exception of a newspaper article on the "Black Swans" commando group, the government incorporates the appendix in its entirety herein and asserts that the complete documents are statements in furtherance of a conspiracy under Rule 801(d)(2)(E). Indeed, the government has endeavored to be inclusive in this proffer and the appendix in order to advise the Court and counsel of the theory of admissibility and to comply with the Court's direction in its decision denying a bill of particulars. Nevertheless, considering the length of this conspiracy and its international scope, it is impossible to include in this proffer every statement made in furtherance of the conspiracy that the government may seek to introduce at trial, particularly considering that the government does not know what defense or defenses defendant Arnaout might raise. Moreover, despite its length, this proffer does not include all of the evidence the government will seek to introduce at trial; rather, it includes a good faith outline of the statements the government anticipates it may seek to have admitted at trial as coconspirators' statements, along with additional evidence to place those statements into context. This proffer does not even attempt to summarize all statements made by defendant Arnaout to others which will be offered in evidence without resort to the co-conspirator exception to the hearsay rule.

when the BIF Enterprise most explicitly decided to take action within the United States, by incorporating here. Importantly, however, the conspiratorial agreement had been formed and acted upon several years earlier, as BIF acknowledged in documents discussed below. In that context, actions taken in Afghanistan, the Sudan, Bosnia and Chechnya should not be viewed as disparate conduct but should instead be viewed as the conduct of an evolving enterprise in which defendant Arnaout played a leadership role.³

1. Defendant Arnaout, LBI and Mekhtab al Khidemat

Beginning in approximately 1987, defendant Arnaout used the cover of work with BIF's predecessor charity entity, *Lajnatt Al-Birr Al-Islamiah* (the "Islamic Benevolence Committee"), to provide material support to *mujahideen* in Afghanistan associated with, among others, Usama Bin Laden and the *al Qaeda* organization as well as Gulbuddin Hekmatyar and the *Hezb e Islami* organization. Defendant Arnaout provided support in a variety of ways, including purchasing large quantities of weapons, operating radio communications at a *mujahideen* camp and delivering a variety of supplies to the *mujahideen* ranging from food and blankets to weapons, during the time he purported to be a relief worker.

By way of background, Usama Bin Laden and Abdallah Azzam formed *Mekhtab al Khidemat* ("MK") (the "Office of Services") to support the *mujahideen* in Afghanistan engaged in a conflict with the Soviet Union at a time prior to the Soviet withdrawal in 1989. Various relief organizations – including LBI, the BIF forerunner – worked with MK to provide travel documents, funds and other logistical support to the *mujahideen*. MK also worked with a number of other charitable/relief organizations, especially with Wael Julaidan ("Abu Hassan al

³ Thus, although the Indictment charges that the unlawful conspiracy began in 1992, when BIF first incorporated in the United States, the agreement or joint venture for purposes of Rule 801(d)(2)(E) began in 1987. *See Kelley*, 864 F.2d at 573; *Coe*, 718 F.2d at 835 and the discussion above.

Madani")⁴ of the International Islamic Relief Organization (hereafter "IIRO," sometimes referred to as "Igatha" based upon its Arabic name "*Hay'at al-Igatha al-Islamiya al-'Alamiyya*"), which was under the umbrella of *al Rabita al Alami al Islamiya*, also known as the Muslim World League ("MWL").⁵ In many respects, Wael Julaidan was a leading supporter of the *jihad* through the relief organization network. Persons affiliated with charities provided logistical support to the *mujahideen* so integral to the success of the *mujahideen* that, as discussed below, Julaidan was featured in organizational charts as the person responsible for "Jihad Support," even dating to the time prior to the forming of *al Qaeda*. MK also published "*al Jihad*" magazine which was a tool to recruit *mujahideen* to fight in Afghanistan. Bin Laden, a *mujahideen* leader, received financial support from a group of wealthy donors from the Gulf area known as the "Golden Chain," linked to Adel Batterjee, the Saudi founder of both LBI and BIF. Other military leaders in Pakistan in the late 1980's included Gulbuddin Hekmatyar, a highly-educated member of a Pashtun tribe. *Hezb e Islami* (the "Islamic party") was one of the *mujahideen* groups fighting against the Russians and for a time was headed by Yunis Khalis. Hekmatyar served under Yunis Khalis and then later headed *Hezb e Islami*. Hekmatyar was aligned with Usama Bin Laden in Afghanistan after *al Qaeda* was formed in 1988, and indeed many of *al Qaeda*'s camps were located in territory controlled by Hekmatyar. As discussed below, *Hezb e Islami* later became

⁴ In this proffer and at trial there will be numerous references to "Abu" names that warrant a brief explanation. "Abu" in Arabic means "father of." Thus the name "Abu Hassan" means "father of Hassan." In much of the Middle East, a man who has a son will be referred to as "Abu (son's name)" as a sign of respect. However, this practice was adopted in Afghanistan by the *mujahideen* as a device to make it more difficult for hostile intelligence services to track the *mujahideen*. Thus, the use of real names was generally avoided. Many of the "Abu" names included an additional reference to the country (or city) from which the person hailed. Thus, "Abu Hassan al Madani" is an indication that the person hailed from Medina in Saudi Arabia. Defendant Enaam Arnaout was known as "Abu Mahmoud al Suri" and "Abu Mahmoud al Hamawi" because he hailed from the town of Hama in Syria.

⁵ Defendant Arnaout himself worked with the Muslim World League prior to working for LBI.

involved in activities in Baku, Azerbaijan, in support of the Chechen *mujahideen* in or about 1995, and *Hezb e Islami* was then similarly aligned with *al Qaeda* in Chechnya.

Bin Laden and Azzam went their separate ways in approximately 1988 because Bin Laden wanted to conduct *jihad* outside of Afghanistan and Azzam was not prepared to do so. After the split, Bin Laden remained aligned with Hekmatyar who held views similar to Bin Laden, while Azzam continued with MK until he was killed in 1989. Hekmatyar provided Bin Laden with training camps in geographic areas that Hekmatyar controlled.

During this time frame, defendant Arnaout administered military camps and purchased supplies for the camps, including food and a variety of weapons. Defendant Arnaout worked directly with Usama Bin Laden,⁶ Wael Julaidan, Abu Rida al Suri (Mohamed Loay Bayazid), Abu Hager al Iraqi (Mamdouh Salim), Hekmatyar and other *mujahideen* military leaders during this time. As discussed below, BIF documents later purport that both Abu Rida and Abu Hager – who both became key figures in the *al Qaeda* network – served as officials of BIF.

During the time while defendant Arnaout was providing this military logistical support, he was ostensibly working for LBI or at times MWL. At LBI, Arnaout's work was segregated from that of the other LBI workers who reported their budgets and activities through a chain of command (which reported in part to the United Nations) while defendant Arnaout worked in areas controlled by Bin Laden's and Hekmatyar's forces and reported outside the other chain of command and instead directly to Batterjee.

2. Defendant Arnaout and *al Qaeda* in Afghanistan

As remarkable materials archived by BIF prove, Bin Laden formed *al Qaeda* in 1988 with others, including Salim (Abu Hager) and Bayazid (Abu Rida). *Al Qaeda* maintained personnel

⁶ Defendant Arnaout was very close to Abu Qutaiba al Suri, a Syrian who was extremely close to Bin Laden and served as his bodyguard. Defendant Arnaout often drove Bin Laden or otherwise accompanied him in Afghanistan.

files and members pledged a *bayat* (oath of allegiance) and signed a contract.⁷ Defendant Arnaout himself is not known to have made *bayat*, though evidence demonstrates he was very important to the *al Qaeda* network.

For example, in or about 1990, at the direction of *al Qaeda*'s military commanders (Abu Hafs and Abu Ubaidah), defendant Arnaout participated with *al Qaeda* member Yaseen al Iraqi in the purchase of weapons for *al Qaeda* from a Pashtun tribesman named Hajji Ayoub, which weapons included AK47 assault rifles and mortar rounds. Several ten-ton trucks containing these weapons were delivered to *al Qaeda* camps, including the *Jihad Wal* and *Jawr* camps in Afghanistan after being stored in other locations, including a facility controlled by Hekmatyar. This again occurred while defendant Arnaout was ostensibly working for LBI.

3. Defendant Arnaout, *al Qaeda*, the Sudan and BIF

Some time after the Soviets withdrew from Afghanistan in 1989, Bin Laden decided to relocate *al Qaeda* to the Sudan, and Abu Hager laid the groundwork with the Sudanese regime. Abu Hager – who held very high stature as an *al Qaeda* religious scholar – and Bin Laden persuaded the *al Qaeda* membership in Afghanistan to relocate to the Sudan in 1991. Once in the Sudan, *al Qaeda* worked closely with the National Islamic Front ("NIF") (in effect the ruling party in the Sudan), as well as the Sudanese intelligence service and the *Difaar al Shabi* (meaning the "Popular Defense" and referring to the Sudanese militia known as the Popular Defense Force, hereafter "PDF"). *Al Qaeda* agreed to train the PDF in guerilla warfare tactics for

⁷ Members did not always know who else signed a contract or swore a *bayat*. Moreover, many key members of the *al Qaeda* network, including Abu Hager, may not have become formal members of the group by making *bayat* even though they played a controlling role in the work of *al Qaeda*.

⁸ Prior to 1991, a *jihad* had been declared against John Garang and others (primarily Christians and animists) in the South Sudan in what Sudan termed a civil war. Statements were later issued by a *Hezb e Islami* official (Yunis Khalis) and another *mujahideen* leader from Afghanistan (Haqqani) supporting that *jihad*.

the "civil" war in Southern Sudan against Christians and animists.⁸ In addition, *al Qaeda*, working principally through Abu Rida and Abu Hager, obtained weapons for the PDF and the Sudanese with *al Qaeda* funds – in one instance, obtaining thousands of Kalashnikov weapons for use by the PDF. Abu Hager also advised an *al Qaeda* member then in the Sudan that *al Qaeda* was seeking to develop chemical weapons in an area near Khartoum.⁹ In part, the weapons were to be used by the PDF in the civil war. Abu Rida and Abu Hager later also sought in 1993 or 1994 to obtain uranium for *al Qaeda* to attempt to build a nuclear weapon.

In return, the Sudanese intelligence service facilitated the free movement of *al Qaeda* members and weapons in the Sudan. *Al Qaeda* conducted military training (including explosives training) in the Sudan and was given certain camps by the NIF. During this time period beginning after the move to the Sudan in 1991, Bin Laden (working with Salim) issued *fatwahs*¹⁰ indicating that the United States was the "head of the snake" and the enemy and should be attacked in Somalia and elsewhere.

In or about 1991, at the time when the leadership of the *al Qaeda* organization relocated to the Sudan, the LBI/BIF organization (each referred to in Arabic as "al Birr," or "Benevolence") followed suit and opened its first office in the Sudan specifically to support *al Qaeda* and the *mujahideen* in the Sudan, particularly the PDF, as discussed in further detail below. BIF's collaboration with *al Qaeda* in the Sudan mirrored how LBI had worked in Afghanistan. BIF

⁸ Prior to 1991, a *jihad* had been declared against John Garang and others (primarily Christians and animists) in the South Sudan in what Sudan termed a civil war. Statements were later issued by a *Hezb e Islami* official (Yunis Khalis) and another *mujahideen* leader from Afghanistan (Haqqani) supporting that *jihad*.

⁹ The effort was a joint effort involving Sudanese officials and an Iranian affiliated organization, with some support from Iraq.

¹⁰ A *fatwah* is in essence an Islamic legal ruling. Islamic law ("*sharia*") gives guidance as to what is "*halal*" (proper) and "*haram*" (forbidden). When there is a question as to whether Islamic law permits or forbids certain activity, an Islamic scholar is approached for *fatwah*.

located its office in Khartoum near the office of the PDF and persons managing the PDF frequently visited BIF, which provided all manner of logistical support to the PDF. BIF then continued to function in the Sudan to support *al Qaeda* and *mujahideen* efforts as detailed below.

4. Defendant Arnaout and BIF in Illinois

In 1992, BIF incorporated in Illinois, with Adel Batterjee and two others in Saudi Arabia serving as directors. Defendant Arnaout was named a board member and executive director. At least as of fall 1994, Bayazid – the man known as Abu Rida, who was present for the founding of *al Qaeda*, who participated in obtaining various weapons (including weapons for *al Qaeda* and the PDF in the Sudan) and communications equipment and also sought to develop chemical weapons and obtain uranium for a nuclear weapon for *al Qaeda* – became the President of BIF in Illinois, working with defendant Arnaout.¹¹

5. *Al Qaeda, BIF and Bosnia-Herzegovina*

In the period of the fall of 1992, *al Qaeda* dispatched a representative then based in the Sudan to Zagreb, Croatia, to gather information for Bin Laden about Bosnia and the prospects of acquiring businesses in Croatia for use by *al Qaeda*. The *al Qaeda* member traveled to Zagreb, Croatia, where he met with various people, including defendant Arnaout, as well as two *al Qaeda* members, Abdel Rahman al Dosari a.k.a. "Hown" (an expert in mortars) and Abu Zubair al Madani (a cousin of Bin Laden).¹² Abdel Rahman al Dosari advised that *al Qaeda* was seeking to establish training camps in Bosnia, forge relations with relief agencies in Bosnia and establish businesses to support *al Qaeda* economically. He further advised that BIF (referred to as "al

¹¹ Indeed, when stopped by law enforcement officials in December 1994 in California, Bayazid possessed an Illinois driver's license with BIF's business address (except for the suite number) listed as his address. He was in the company of Bin Laden's brother and brother-in-law.

¹² Later, the *al Qaeda* member Abu Zubair al Madani was killed in battle in Bosnia and was featured prominently in a fundraising video produced under the logo of LBI.

Birr") was providing money for weapons for *al Qaeda* and that they had in fact obtained weapons from Cologne, Germany, for Bosnia with the assistance of BIF and Abu Rida.¹³ Abdel Rahman al Dosari also stated that *al Qaeda*'s goal in Bosnia was to establish a base for operations in Europe against *al Qaeda*'s true enemy, the United States.

In the same time frame of approximately 1992, Abu Hajar (Salim) had advised the same *al Qaeda* member that *al Qaeda*'s goal was to make Bosnia a base for European operations. This overlapped with the time that Salim (and Bin Laden) were approving *fatwahs* and giving lectures to the *al Qaeda* membership in the Sudan indicating that America was *al Qaeda*'s main enemy and that even the killing of American civilians was Islamically proper under appropriate circumstances.

Beginning at this time, as discussed in more detail below, BIF provided food, clothing, money and communications equipment to various fighters in Bosnia, including the Bosnian army and the "Black Swans," an irregular warfare unit of Bosnian Muslims. In May 1998, Salim traveled to Bosnia using a document bearing Arnaout's signature indicating that Salim was a director of BIF.

6. BIF, Batterjee and Bin Laden

In or about 1993, Bin Laden advised an *al Qaeda* member that *al Qaeda* was using several charities to fund its operations overseas, including *al Birr*.¹⁴ The *al Qaeda* member

¹³ To be clear, BIF was not the only organization providing weapons to the *mujahideen*. On that same trip, the *al Qaeda* member had meetings with the Third World Relief Agency ("TWRA"), headed by Fatih Abu Hassanein, an influential member of the Sudanese NIF.

¹⁴ The other charities Bin Laden specifically discussed included the Muslim World League (discussed above) and the Qatar Charitable Society, headed by Dr. Abdallah Mohamed Yousef. In 1995, after a failed attempt by *al Qaeda* operatives to assassinate President Hosni Mubarak of Egypt while on travel to Addis Ababa in Ethiopia, Bin Laden complained to the *al Qaeda* member that Qatar Charitable Society funds had been used in that operation and that he was concerned that *al Qaeda*'s abilities to use charities to fund operations might be compromised as a result.

understood from conversations with Bin Laden and others in *al Qaeda* that the charities would receive funds that could be withdrawn in cash and a portion of the money used for legitimate relief purposes and another portion diverted for *al Qaeda* operations. The money for *al Qaeda* operations would nevertheless be listed in the charities' books as expenses for building mosques or schools or feeding the poor or the needy.

Also in about 1993, a BIF employee in the Sudan traveled to Saudi Arabia to meet with Adel Batterjee but was detained and questioned by Saudi authorities. After he was released, the BIF employee returned to the Sudan where he met with Usama Bin Laden who questioned him about what had happened. Madani al Tayyib, then *al Qaeda*'s chief financial officer, reported to another *al Qaeda* member that the Saudi authorities must have questioned the employee because they had found documents linking "*al Birr*" to Bin Laden. Tayyib later indicated that the problem had been fixed, although BIF's operations in Saudi Arabia were apparently curtailed at that time.

7. BIF, al Qaeda and Chechnya

In 1995, Madani al Tayyib (then in the Sudan serving as *al Qaeda*'s chief financial officer) asked an *al Qaeda* member to travel to Chechnya through Baku, Azerbaijan, to join with *al Qaeda* in the fighting in Chechnya. The *al Qaeda* member – whose trip was later cancelled for personal reasons – was told that he would be joining up with Ibn al Khattab, a *mujahideen* leader who had worked in Afghanistan with Bin Laden. At about this time, the website of the Chechen *mujahideen* indicated that Ibn al Khattab led the Arab contingent of fighters in Chechnya. BIF (and the Global Relief Foundation) had been identified on the Internet website as conduits for financial support to those fighters.

Meanwhile, BIF opened an office in Chechnya mirroring *al Qaeda*'s expansion into this area. BIF worked closely with Sheik Fathi, an influential *mujahideen* supporter from Afghanistan who was of Jordanian/Chechen extraction. During this time, BIF provided material support to the Chechen *mujahideen* in the form of anti-mine boots, while raising money on the

false pretense that the funds were for winter shoes for civilians. BIF also provided an X-ray machine, cash, anti-mine boots and military uniforms to the Chechen *mujahideen*.

Indeed in 1998, *al Qaeda* military commander Saif ul Islam served as the BIF officer in Grozny, Chechnya. Saif ul Islam (also known as "Abu Islam" and "Abu Islam al Masry") is an Egyptian lawyer who became an *al Qaeda* member and a top military instructor as well as a member of *al Qaeda*'s military committee who was very active in violent activity.¹⁵ Meanwhile, the BIF office in neighboring Baku, Azerbaijan, was staffed by Gul Mohamed, the *Hezb e Islami* representative in Baku.

During the period prior to October 1999, defendant Arnaout toured Chechnya and Dagestan and reported back to a BIF fundraiser as to the role that Ibn al Khattab, Sheik Fathi, Saif ul Islam (whom he described as "knowledgeable") and others played in Chechnya.

B. Beginning of the Rule 801(d)(2)(E) Conspiracy

In effect, LBI and BIF were closely intertwined. The conspirators were less concerned about the formality of the corporate structure and more concerned with creating an image of BIF as international and less associated with Islam to increase its donor base and appeal to other international organizations.

Indeed, so intertwined were LBI and BIF that BIF often claimed to have been established in 1987 despite not being incorporated until 1992. An internal list of questions and answers prepared by an employee of BIF in Illinois for BIF workers states:

Started?

- * 12 years ago. Have been in Chicago since May 1993.
- * Dec. 1992 had Florida address.

¹⁵ Saif ul Islam participated in training persons in Somalia in the early 1990's for an eventual attack on the American forces there and later underwent explosives training in Lebanon by Hezbollah after Abu Hajar helped forge a relationship between *al Qaeda* and Iranian intelligence. Saif ul Islam's passport photograph was recovered in a 1997 search of the Kenyan cell of *al Qaeda*.

Established?

* In Pakistan, ran from Saudi (sic) 1987

Ex 1 at 1. The date on the memorandum is incomplete ("December 28, 199"). *Id.* However, based on the names of the BIF employees listed and the statement that BIF was "established" in 1987 and "started" "12 years ago," the memorandum was likely written in 1999. (If the omitted digit in the date is not a 9, then the memorandum explains that BIF was established even before 1987.) Notably, this memorandum warns employees at the beginning to "NEVER VOLUNTEER ANY INFORMATION" to callers and later instructs "*Do not volunteer any Information.*" *Id.* (emphasis in original). On one of its websites, www.benevolence.org, BIF maintained that it was established in 1987, but it eventually changed that to 1992.¹⁶

C. Lajnatt Al-Birr Al-Islamiah

Lajnatt Al-Birr Al-Islamiah, which evolved into BIF, was indeed established in approximately 1987 in Pakistan and ran from Saudi Arabia, consistent with BIF's December 28, 1999 memorandum above. LBI's founder was Adel Batterjee (who later founded BIF), a wealthy individual in Jeddah, Saudi Arabia, who started LBI in Peshawar, Pakistan, during the conflict between the Soviet Union and Afghanistan.¹⁷

Like BIF, LBI provided support to the *mujahideen* as well as humanitarian services to refugees affected by the conflict. As discussed below, in no later than 1993, Adel Batterjee, LBI's and BIF's founder, selected defendant Arnaout to run BIF. Defendant Arnaout's

¹⁶ BIF also maintained a website written mostly in Arabic, www.bifint.org, registered to Adel Batterjee. Ex. 2. The website included among other items information for making donations to BIF's accounts in the Sudan, Yemen, Switzerland, England, and the Netherlands; and information on where BIF was operating in the Sudan, along with maps of Sudan. *Id.*

¹⁷ Peshawar, near the Pakistan-Afghanistan border, served as a key city for refugees fleeing Afghanistan and *mujahideen* traveling to the region to fight in Afghanistan against the Soviets.

experience at LBI played a significant role in his operation of BIF. *See* Ex. 3 (memorandum by BIF Board Member Suleman Ahmer to defendant Arnaout on October 19, 1997 explaining that "in the last meeting I had learnt a lot when you had given to me the example of Lajnat-ul-Birr"). Defendant Arnaout and others then made an effort to conceal Batterjee's involvement in BIF. *See* Ex. 4 (letter from defendant Arnaout to a BIF employee on November 6, 1997, instructing: "For the person in Saudi Arabia give him the three names of the Founders. You will find it in the old bylaws (The names along with Adil B.). Tell him that all we know about them is that they are Saudi Business men and that they left the organization in May 93. Do not (sic) disclose any other information").

D. BIF's Archive

In March 2002, searches by Bosnian authorities of BIF's offices in Sarajevo, Bosnia-Herzegovina (operating under the name *Bosanska Idealna Futura*) yielded a substantial amount of evidence shedding light on defendant Arnaout's past and his relationship to *al Qaeda* and *Hezb e Islami*. A treasure trove of electronically scanned documents and photographs, including many with defendant Arnaout, were recovered on a CD-ROM and a hard drive.

1. "Tareekh Osama" File

BIF had in its Sarajevo office a computer file labeled "Tareekh Osama," or "Osama's History." The file contains scanned images of documents which chronicles Usama Bin Laden's activities in Afghanistan which led to the formation of *al Qaeda* and even includes later reports of the danger Bin Laden poses to the U.S.

BIF possessed in the file a handwritten draft list of the people referred to within *al Qaeda* as the "Golden Chain," wealthy donors to *mujahideen* efforts. Ex. 5. At the top of the list is a Koranic verse stating: "And spend for God's cause." *Id.* The list contains twenty names, and after each name is a parenthetical, likely indicating the person who received the money from the specified donor. *Id.* "Usama" appears after seven of the listings, including the listing "Bin Laden Brothers." *Id.* "Baterji", LBI's and BIF's founder, appears after six of the listings. *Id.* Only

three other persons are listed in the parentheses. *Id.*

Included in the same file as the "Golden Chain" notes is an article from the *Arab News* on May 4, 1988, titled "Arab Youths Fight Shoulder to Shoulder With Mujahedeen." Ex. 6; *see also* Ex. 7. A photograph within the article shows Bin Laden walking with defendant Arnaout, referred to in the caption as "Abu Mahmoud from Syria," *Id.* at 2. Another photograph within the article shows "Ayman Khayyat from Jeddah holding a rifle." *Id.* Khayyat was a high-ranking officer in LBI who later worked for BIF. The article discusses a battle in the *Masada* area of the Jaji region, and noted that defendant Arnaout, referred to as "Abu Mahmoud, a youth from the Syrian city of Hamat," was there. The article quotes defendant Arnaout who said that Russians destroyed the trees the *mujahideen* hoped to use as fortifications. *Id.*

BIF's Tareekh Osama file contains a letter written to "Generous brother Abu Al-Rida" from "Your brother Abu Al-Qaaqaa", an alias of Usama Bin Laden. Ex. 8. "Abu Al-Rida" is Mohamed Loay Bayazid, who, as discussed above, was president of BIF in 1994. The letter states that although it is from Bin Laden, it is signed by defendant Arnaout, using the name Abu Mahmoud. *Id.* Defendant Arnaout wrote, "He [Bin Laden] is far away from me and he authorized me through a communication to sign on his behalf, my apology." *Id.* The letter sends greetings to Bayazid from "Al-Maasada", the camp where defendant Arnaout fought with Bin Laden described in the *Arab News* article above. *Id.* The letter instructs Bayazid to give the bearer of the letter, Omar Luftee, an airline ticket to Saudi Arabia. *Id.*

Another letter from Bin Laden to Abu Rida explains that the time has come for an attack on the Russians. Ex. 9. Bin Laden concludes the letter by asking Abu Rida to "communicate my greeting to Abu Al-Hasan Al-Madani and I hope that he will visit us if he has returned from Hijaz, and I also hope that you bring 500,000 rupees at a minimum." *Id.* As discussed above, Abu Hassan al Madani (Wael Julaidan) is a leader of a relief organization that also provided logistical support to Bin Laden.¹⁸ A letter on MWL/IIRO letterhead recounting a meeting discussed attacks being launched from "League" offices and that passports should not be kept

with the Saudi Red Crescent because Julaidan was returning to Saudi Arabia. Ex. 9a.

BIF's Tareekh Osama file also contains a March 4, 1987 letter from Bin Laden, using his alias Abu Al-Qaaqaa, to "Brother Abu Al-Rida" (Bayazid), requesting that he give 500,000 rupees to the man bearing the letter. Ex. 11. A March 17, 1987 letter to Bayazid requests that he assist two individuals in their travel to Yemen, including providing them with airline tickets and arranging their lodging. Ex. 12. The author of the letter, Abu Muath Al-Masri, informed Bayazid that "this is based on what brother Abu Abdallah informed us at the Al-Maasada." *Id.* The letter also requests that Bayazid send 400,000 rupees "to the owner of the weapon for delivery in Parachinar, according to Abu Al-Hasan's wishes, for security reasons." *Id.*

Another letter from Bin Laden to Abu Rida that BIF possessed asks Abu Rida to give Abu Ubaidah 5000 Saudi Riyals, "or their equivalent, from my account." Ex. 13. Abu Ubaidah signed the bottom of the letter stating that he received 5000 Riyals from Abu Rida. *Id.* Abu Ubaidah was then the military commander of *al Qaeda*.

A letter from defendant Arnaout to Abu Hafs (Mohammed Atef, a close associate of Usama Bin Laden who became *al Qaeda*'s military commander) is also in BIF's file. Ex. 14. The letter states that its bearer is from *Hezb e Islami* and "loaned us" a howitzer, and it should be returned so it can be taken to Kabul. *Id.* The letter also bears Bin Laden's signature at the bottom. *Id.*

¹⁸ A dispute broke out between two relief organizations in late 1988 (after *al Qaeda* had been founded), including the Saudi Red Crescent Society of which Julaidan was president. Ex. 10. (The memoranda from the time indicate that the "Saudi Benevolence Committee (Adel Baterji)" was the main financier of the humanitarian project in dispute and took sides with Julaidan.) The dispute was submitted to secret arbitration before Dr. Fadhl (a leading Islamic Scholar for the *al Jihad* organization headed by Ayman al Zawahiri) and Abu Hajar al Iraqi, both of whom served on the *fatwah* committee of *al Qaeda*. *Id.* Among other things, Julaidan had accused the opposing party (Ahmed Said Khadr, a/k/a "Abdel Rahman al Kanadi") of having suspicious contacts with non-Islamic agencies. *Id.*

A letter from Bin Laden to defendant Arnaout instructs Arnaout to consult with Abu Hafs (Atef) about locating a particular group of soldiers "as camp guards." Ex. 15. Another letter from an "Abu Abdallah" to defendant Arnaout informs Arnaout that the author had been trying unsuccessfully to contact him on a certain radio ("at the number 650, on the black device, to no avail"). Ex. 16. The author wrote that he hopes that "Abu Al-Qaaqaa," or Bin Laden, has reached defendant Arnaout safely. *Id.* The letter then informs defendant Arnaout that a group of people are going to meet with defendant Arnaout at the *Al Masada* camp. *Id.*

A separate letter, from Bin Laden to Abu Rida, states that Abu Ubaidah and Abu Hafs should each be paid 4500 Riyals monthly and treated like *Mekhtab al Khidemat* – thus establishing that military commanders were salaried by the support organizations. Ex. 17.

The foregoing documents, possessed by BIF electronically, corroborate that defendant Arnaout provided logistical support to fighters during the period in Afghanistan when he worked for LBI, part of the BIF Enterprise.

BIF also had in its Tareekh Osama file a scanned list of goals, which appears to have been authored near the end of the conflict between the Soviet Union and Afghanistan. The list includes "Holding a mass media event to collect in-kind and financial donations" and "Clarifying the Mujahideen's situation to the world and keeping the spirit of Jihad alive." Ex. 18. The list also includes: "Forming a committee to receive donations and maintain an account and the spending"; "Urging the Islamic agencies to bring in all of what they have"; and "Sending some brethren to secure provisions for the Mujahideen." *Id.* The list names some organizations which may be involved in this, including the "Rabita" or MWL (for whom defendant Arnaout also worked), but it does not specifically name BIF (not yet formally incorporated) or LBI (the predecessor).

In addition to discussing fundraising, the list contains numerous entries calling for the establishment of a leadership council and determining the best places to work. *Id.* It calls for:

A printed declaration which will explain the following:

- a. The East's and West's agreement to prevent the establishment of an Islamic nation and thorn.
- b. The only solution is the continuation of the armed Jihad.
- c. Taking interest in the training and seizing the opportunity.
- d. Supporting the Mujahideen believers and [illeg.].
- e. Specifying the locations where we want the brethren to be. Will be signed by Yunis Khalis, Ansar Al -Jihad ["supporter of jihad"]
- f. Urging the brethren to be patient, pious, obedient, and to practice abstinence (Abu Hajir).

Id. (parentheses in original). Near the end of the list the following entry appears ominously: "Keeping alive the Jihadist spirit among Muslims in general, and the Arabs in particular, by opening bases for their Jihad along with maintaining contact lines with them. The Sudan is recommended." *Id.* In 1991, *Al Qaeda* moved its base of operations to Sudan. BIF quickly followed, as discussed above and below.

BIF kept in this same file a letter on the *jihad* in Eritrea (near Ethiopia) written to Usama Bin Laden. Ex. 19. After discussing the history of the conflict and the authors' objectives, the letter states:

Therefore, we come to you with the following requests which we believe to be important at the present time:

- 1. Facilitating the travel of the youth to the field of Jihad so that they can benefit from the training possibilities, by providing them with tickets and entry visas.
- 2. Dedicating two individuals on a temporary basis to follow up on transporting the youth and to facilitate their travel and movement, as there are more than one million immigrants in Sudan, Djibouti, Northern Yemen, and Saudi Arabia.
- 3. Opening a Maktab al-Khadamat in Northern Yemen, and Sudan, and opening a guest house in the city of Peshawar, to accommodate the youth upon their arrival.

* * * * *

In conclusion, we ask God the Almighty to grant you success in your service of Islam and the Muslims, to multiply your reward, to increase the scale of your good deeds, and to make you and us victorious in defeating the unjust.

Id. Indeed, in addition to opening an office in Sudan, BIF opened an office in Yemen.

BIF also maintained scanned copies of handwritten documents chronicling the origins of *al Qaeda* which were not known to the public. The series contains minutes of an August 11, 1988 meeting between "Abu Al Ridha", or Mohamed Loay Bayazid, and "the Sheikh", or Usama Bin Laden, "regarding the establishment of a new military group" consisting of a "general camp," a "special camp," and "*Qaida*," or base. Ex. 20. The minutes show that Bayazid asked Bin Laden if Bin Laden agreed that the "military gang" of "Sheikh Abdullah" (Sheikh Abdullah Azzam, the co-founder of *Mekhtab al Khidemat* with Bin Laden) has ended and that "disagreement is present." *Id.* Bayazid explained to Bin Laden: "I suggest that the Army's forces are present in Afghanistan (here), and I see that we should think in the origin of the idea we came for from the beginning. All this to start a new fruit from below zero." *Id.* Bayazid noted that a year has passed in the history of *Al Masada*. *Id.*

According to the report, Bin Laden responded:

I, starting all these matters, in the darkest of circumstances, and the period is very short, we took very huge gains from the country's people in Saudi – we were able to give a political power to the Mujahideen – gathering donations in very large amounts – restoring power. The period is basically a correct situation to do the work.

Id.

The report concludes:

Abu Al Ridha:

- a. Establishing a staged plan.
- b. Establishing a time-frame for this stage.

Question: does it need specialized people.

Answer: is there a specialized person amongst us.

– Initial estimate, within 6 months of *Al Qaida*, 314 brothers will be trained and ready.

Id.

A week later, according to minutes maintained by BIF, a meeting was held "at the Sheikh's house," leading to the official formation of *al Qaeda*. Ex. 21. The minutes begin:

The brothers mentioned in the second page attended the Sheikh's house, to discuss the case of the Advisory Council, and the new distribution in Peshawar, mentioned in the attached document. Most of the discussion was about choosing an Advisory Council, which is accepted by all who are present in the arena.

Id. The minutes explain that the meeting was held over three days, and it names the persons on the Advisory Council, beginning with "Sheikh Usama" and including "Abu Hasan al Madani" (Wael Julaidan), Abu Ubaidah Al Banshiri (who became *al Qaeda*'s military commander and is now deceased), "Abu Hajar" (Mamdouh Salim), who traveled in Bosnia in 1998 with defendant Arnaout's assistance, as discussed below, and others. *Id.*

The minutes continue: "The meeting resulted in explanation of 40 points of them and the Sheikh summarized it in 2 points: - the complaints. - Mismanagement and bad treatment in Maktab al Khadamat." *Id.* This report confirms that *al Qaeda* was formed following a split between Abdallah Azzam and Bin Laden within *Mekhtab al Khidemat*. The group decided that "the military work" was "to be divided in two parts, according to duration:"

- Limited duration (known), they will go to Sada camp, then get trained and distributed on Afghan fronts, under supervision of the military council.
- Open duration (long), they enter a testing camp and the best brothers of them are chosen, in preparation to enter *Al Qaida Al Askariya* ["the military base"].

The mentioned *Al Qaida* is basically an organized Islamic faction, its goal will be to lift the word of God, to make His religion victorious.

Id.

The minutes then set forth the "Requirements to enter *Al Qaida*:"

- Members of the open duration.
- Listening and obedient.
- Good manners.
- Referred from a trusted side.

– Obeying statutes and instructions of *Al Qaida*. These are from the rules of the work.

Id.

The requirements also include that the prospective member "reads the pledge" of loyalty, or *bayat*. The text of *al Qaeda*'s original *bayat* appears in the minutes:

The pledge of God and His covenant is upon me, to listen and obey the superiors, who are doing this work, in energy, early-rising, difficulty, and easiness, and for His superiority upon us, so that the word of God will be the highest, and His religion victorious.

Id.

The report notes that the meeting ended on August 20. *Id.* It continues: "Work of *Al Qaida* commenced on 9/10/1988, with a group of 15 brothers, including nine administrative brothers[.]" *Id.* The report ends: "On 9/20, Commandant Abu Ubaida arrived and informed me of the existence of thirty brothers in *Al-Qaida*, who meet the requirements, and thanks be to God." *Id.*

A separate document discusses the formation of an advisory council and a committee to handle financial matters, involving Bin Laden, Wael Julaidan (who is the charity leader Abu Hasan al Madani discussed above), Abu Hager, Abu Ubaidah and others. Ex. 22.

Another report discusses a meeting between Abu Hager, Abu Ubaidah, and twelve others also in August 1988 where *Al Jihad* magazine was discussed along with the role of *Mekhtab al Khidem*. Ex. 23. The document mentions defendant Arnaout by the name "Abu Mahmoud al Suri." *Id.*

The file also includes a handwritten organizational chart, with Bin Laden ("Abu Abdullah") at the top, followed by a level of officers responsible for various projects including

¹⁹ This document has been provided to the defense pursuant to a protective agreement restricting its disclosure and is not included in this filing because of its sensitive nature.

jihad funding, military matters (Abu Ubaidah) and management.¹⁹ Also included on this chart are Abu Hager (Mamdouh Mahmud Salim), Abdullah Azzam and others, though defendant Arnaout is not named.²⁰ The chart appears to list the principal person responsible for each aspect.

BIF also maintained in the Tareekh Osama file documents concerning Bin Laden's more recent activities, including a transcript of a June 1998 episode of "Nightline" regarding Bin Laden and including an interview with Bin Laden threatening the U.S. (Ex. 24), and a July 1998 *Reader's Digest* Article titled "This Man Wants You Dead" (Ex. 25). In the same file is a copy from Westlaw of the U.S. Department of State's Public Notice of the Designation of Foreign Terrorist Organizations on October 8, 1997. Ex. 26.

2. "Tareekh Al Musadat" File

BIF also maintained scanned documents in a voluminous "*Tareekh al Musadat*" file which chronicle the history of the *Al Masada* camp. The file includes personnel files of people instrumental in *al Qaeda*, including Wadih El-Hage, (convicted in May 2001 in U.S. District Court for the Southern District of New York of conspiracy to kill U.S. nationals, among other offenses). Ex. 27. El-Hage's file notes that he was "trained on most types of weapons" including explosives and booby traps. *Id.* Another letter requests explosives (crossed out) or a handguns course for defendant Arnaout. Ex. 28.

Included in this file is a letter to Abu Rida on the letterhead of the Saudi Red Crescent agency requesting that weapons be inventoried. Ex. 29. At the bottom of the letter is a note from Usama Bin Laden to "Abu Al Hasan" (Wael Juleidan) stating that Bin Laden's group has an

¹⁹ This document has been provided to the defense pursuant to a protective agreement restricting its disclosure and is not included in this filing because of its sensitive nature.

²⁰ Because Abdullah Azzam is listed on the chart, the organization described pre-dates *al Qaeda*.

extreme need for weapons. *Id.*

The file also contains a letter to defendant Arnaout, "Abu Mahmoud," urging him not to forget "the base of the canon that sits on the legs of the Goryunov" and the diesel fuel he obtained, and requesting an "extra microphone." Ex. 30.

Also in the file is a letter to "Abu Abdullah," a name used by Bin Laden, from Abu Khalid Al Masri (a former Egyptian military officer who was a leading *mujahideen* military figure in Afghanistan) discussing *Al Masada* and various military concerns, and concluding with a request to "give our regards to all of the brothers, especially Abu Mahmoud." Ex. 31. A separate letter from Abu Muath to Abu Ubaidah (who became *al Qaeda*'s military commander) informs Abu Ubaidah that Abu Abdallah (Bin Laden) and Abu Mahmoud (defendant Arnaout) have arrived at a certain location (referred to in code as "number 1"). Ex. 32.

BIF also possessed in this file a chart of radio frequencies, with numbers assigned to particular individuals. Ex. 33. Included on this chart are Abu Abdullah (Bin Laden), Abu Ubaidah, and Abu Hafs (Mohamed Atef, who succeeded Abu Ubaidah as *al Qaeda*'s military commander). *Id.* Another letter written to Abu Mahmoud requests batteries for a walkie-talkie and a video camera with batteries. Ex. 34.

Also in the file is a letter from an individual to Abu Ubaidah informing Abu Ubaidah that the author is "at a camp at the Afghani-Pakistani frontier in the Parshinar region affiliated with the Islamic Party [*Hezb e Islami*]. . . ." Ex. 35. The author states: "The camp is led by Abu Mahmoud the Syrian from a provisioning point of view" and includes a telephone number for Abu Mahmoud. *Id.*

3. "Al Jabal" File

BIF also maintained files labeled "Al Jabal" (meaning "The Mountain") containing scanned handwritten daily reports and scanned letters. Defendant Arnaout is referred to throughout the files as "Abu Mahmoud." In fact, the file contains a letter instructing that it is to be delivered "To the hand of Abu Mahmoud – Enaam." Ex. 36.

The daily reports cover activities at *Hezb e Islami*'s *Al Jabal* special forces *mujahideen* camp in and around 1991. A report covering July 12 to 15, 1991, notes that a special forces battalion of *mujahideen* affiliated with *Hezb e Islami* led by "Sideeq the Engineer" arrived and were evaluated by defendant Arnaout ("brother Abu Mahmoud"). Ex. 37. As an entry for September 16, 1991 reveals, defendant Arnaout was kept updated on the camp's affairs. Ex. 38. A report from October 29 and 30, 1991, notes that defendant Arnaout inspected the *Al Jabal* camp on October 29 and went to the Al-Fath *mujahideen* camp the following day, before leaving for Peshawar. Ex. 39. A later report, dated November 7 and 8, 1991, notes that Hekmatyar ordered seventy *mujahideen* to Peshawar for a special matter based on their athletic ability and conduct, and defendant Arnaout was informed of these activities. Ex. 40. A November 9, 1991 report notes that Engineer Sideeq arrived at *Al Jabal* with shoes and clothing for the *mujahideen*. *Id.* A similar report for December 2 and 3, 1991, notes that defendant Arnaout and "Abu Mohamed 'Adel'" visited the *Al Jabal* camp after the *mujahideen* performed their morning physical training, and defendant Arnaout addressed the *mujahideen* in a short speech. Ex. 41. A December 23 report notes that defendant Arnaout left the camp for Jaji, and it adds that on the 24th and 25th, military studies at *Al Jabal* were suspended while the *mujahideen* moved out of tents and into a new structure. Ex. 42. Another daily report (undated) records the arrival of Abdul Ghaffar with military outfits for the *mujahideen* and the visit of Sheikh Hekmatyar, who was greeted with a military parade and gave a speech. Ex. 43.

Another document describes the graduation of over 100 *mujahideen* from the camp. Ex. 44. A proposed agenda for a graduation ceremony, written on a page of a calendar dated May 18,

1991, states that defendant Arnaout and Engineer Sideeq will consider a format for a *bayat* (or oath of allegiance) "to God and the Prophet for the continuation of the *Jihad*." Ex. 45.

An organizational chart in an *Al Jabal* file lists "Abu Mahmoud" at the top and shows two individuals beneath defendant Arnaout: Haj Abdul Ghaffar, an "administrator" in charge of guards, "kitchen," bakery and purchasing; and Sideeq the Engineer over the "Organizational (*Jihad*)" or "Almujahideen" program, responsible for daily activities, "securing the *mujahideen*'s needs," the relationship between "the party" and the squad, and "Weapons and uniform." Ex. 46. A similar chart shows an organization with defendant Arnaout at the top, over two groups: one called "My Organization (Jihady) and another one that deals with administration. Ex. 47. The "Jihady" section is over "The Mujahideen Program," which is involved with weapons. *Id.* A letter to defendant Arnaout from "his brother in Jihad and Islam" discussing martial arts training at the camp requests permission from defendant Arnaout to fire a Kalishnikov in the author's free time. Ex. 48.

An *Al Jabal* file also includes a hand-drawn map on *Hezb e Islami* letterhead, specifically from *Hezb e Islami*'s "Afghan Al Mujahidin Affairs – Internal Affairs" office. Ex. 49. At the top of the map is the label "Jabal." *Id.* Next to that is the label "Abu Mahmood." *Id.* The map also depicts a hospital and a warehouse which will house *mujahideen*. *Id.*

Included in the file is a list of tasks to be accomplished and the name of the person who is to perform them. Ex. 50. It indicates that "Engineer Hikmatyar" is to provide some clothing for *mujahideen*, while defendant Arnaout is to ensure that *mujahideen* should not be "sent" unless they are in uniform with the proper boots, jacket, and socks. *Id.* Similarly, the file contained a list of items and their cost, including anti-aircraft weapons (*Zikoyaks*) and other heavy weapons (*Doshkas*), and discussed the construction of a mosque for 4000 *mujahideen*. Ex. 51. Another letter in the file, written to Adel Batterjee, requests ammunition and a car for *Hezb e Islami*. Ex. 52. A letter from defendant Arnaout to Batterjee discusses a visit from guests, adding that defendant Arnaout might take them on a "hot visit" if they are ready, and requests \$20,000 in

cash. Ex. 53.

A report written on or around February 15, 1989, describes "The Sheikh's visit to Nangarhar" and discusses his visit to several camps including Jaroor (which the report labels "A center of Al-Qaida"), Pari (labeled "A center which belongs to Al-Qaida"), Jihadawal (labeled "A special center which belongs to Al-Qaida"), and Manikando (labeled "A special center which belongs to Al-Qaida"). Ex. 54. The report notes that the area of Khost "is in the hands of Abu Hafs." *Id.*

The *Al Jabal* letters include "An Appeal to Support the Holy War in Sudan" written by *Hezb e Islami* official Yunnis Khalis in 1991, urging Muslims to fight in Sudan. Ex. 55. In another letter, on *Hezb e Islami* letterhead, Khalis wrote that defendant Arnaout wanted to train up to 200 *mujahideen* "for our party." Ex. 56 (incorrectly dated in 1970).

The file also contains a July 30, 1991 letter to defendant Arnaout from Haji Abdul Saboor on *Hezb e Islami* letterhead stating that he has sent a group of seven *mujahideen* to defendant Arnaout and hopes that defendant Arnaout will take care of them. Ex. 57. Another letter – written on LBI letterhead – requests the purchase of ten vehicles for *Hezb e Islami*.²¹ Ex. 58.

A November 27, 1991 letter to defendant Arnaout on *Hezb e Islami* letterhead from Abdul Ghaffar informs defendant Arnaout that Engineer Sideeq had to borrow a car. Ex. 59. The author asked defendant Arnaout to emphasize with Sideeq that the vehicle should be returned quickly. *Id.* A different letter from Abdul Ghaffar (incorrectly dated 1998) informs defendant Arnaout that the "number of the *mujahideen* has reached 155," that Engineer Sideeq has returned without shoes or jackets, and if the number of *mujahideen* increases, they will need more blankets. Ex. 60. Another letter to defendant Arnaout from Abdul Ghaffar acknowledges

²¹ BIF had in its Illinois office a 1992 appeal from Hekmatyar, "Amir, Hezb-i-Islami," soliciting donations for the operation of a university in Afghanistan. Ex. 57a.

receipt of 50,000 Rupees and informs defendant Arnaout that "the sheikh" is in Jaji and Abu Talha is in Sadda waiting for the *mujahideen* to arrive. Ex. 61.

Another letter, from "the general representative of Hizb-Al-Islami," asks defendant Arnaout for financial help and states that they could not afford water or food for their "generous guests of *Mujahideen* and field commanders." Ex. 62. A separate letter to defendant Arnaout from "Abdul Rahman" notes that the author has received Kalishnikov rifles and requests gasoline, sugar, nails, and other supplies. Ex. 63.

In a December 23, 1991 letter, "Abu Talha" apologized to defendant Arnaout for discontinuing his work with him and asked that defendant Arnaout give his pistol to "Abu Dajana at Seda Camp." Ex. 64.

A January 18, 1992 letter to defendant Arnaout from "Engineer Abu Abdallah" asks defendant Arnaout to send him a bank draft. Ex. 65. Also included is a letter to defendant Arnaout in 1992 requesting that defendant Arnaout assist in providing clothing and food for a group of 1200 *mujahideen*. Ex. 66. Another letter, on *Mekhtab al Khidemat* letterhead, asks defendant Arnaout to arrange a permit for a Czech Scorpion pistol and to use "extraordinary effort" to secure the permit. Ex. 67.

The file includes a message written to defendant Arnaout that Adel Batterjee called and asked about defendant Arnaout and that defendant Arnaout's brother, "Dr. Hisham" also called. Ex. 68. A letter from "Abu Mohammed" to defendant Arnaout tells Arnaout that Abu Mohammed is in *Beit Al-Ansar* ("House of the Supporters") and asks defendant Arnaout to give him the briefcase containing Abu Mohammed's money. Ex. 69. Abu Mohammed also tells defendant Arnaout that he would like to visit "Sheikh Adil." *Id.*

Also in the file is a scanned Saudi Airlines ticket with handwriting on the back from LBI Officer Ayman Khayyat requesting that defendant Arnaout ("Brother Abu Mahmoud al Suri") and two other LBI employees (Abu Abdullah al Lubnani and Abdul Salaam Zakaria) assist "Brother Osama" (not contended to be Usama Bin Laden) with residency, transferring currency,

training, shooting and visiting Kashmir. Ex. 70.

During much of this time period, defendant Arnaout was ostensibly employed by LBI and MWL. Ex. 71.

4. Miscellaneous Files

BIF also had documents organized electronically into a variety of smaller files. Included in these files is a letter addressed to both defendant Arnaout and Abu Ubaidah requesting dynamite, among other items. Ex. 72. In another letter, this one written by defendant Arnaout, Arnaout requests bags to carry Rocket-Propelled Grenade (R.P.G.) rockets, bombs, Kalishnikov bayonets, and small magazines. Ex. 73.

Other documents include: a letter to defendant Arnaout from Abdel Saboor requesting "provisions for the front" along with relief assistance (Ex. 74); a letter from Abd Al Sami' (or "Abdel Samia," a name used by defendant Arnaout) requesting pipes to make dynamite and RDX fuses (Ex. 75); a letter to defendant Arnaout from Abdel Rahman telling him that guests will not be allowed for three to four day visits, unless they are on the side of "Abu Al-Qaaqaa" (Bin Laden) (Ex. 76); a list of items and quantities needed, including hand grenades, detonators, and magazines (Ex. 77); a letter urging the reader to send with the individuals who were at *Al Masada* and whose brothers went with "Abu Abdullah" (Bin Laden) mortars and other weapons (Ex. 78); a letter to defendant Arnaout requesting supplies and informing him that thirty more *mujahideen* were sent to the *Al Jabal* camp (Ex. 79); a letter from Abdel Saboor on *Hezb e Islami* letterhead to defendant Arnaout and "Abdel Salam" requesting that they move the *mujahideen* quickly and informing defendant Arnaout that some weapons were inadequate (Ex. 80); a letter to defendant Arnaout from Abdel Saboor on *Hezb e Islami* letterhead discussing the defeat of enemy forces at the direction of Hekmatyar (Ex. 81); and a note from defendant Arnaout using the names Abu Mahmoud and "Abdel Sameei" (or "Samia") to "the exalted Sheikh Usama Bin Laden - Abu Abdallah" at the top of a copy of an article about the conflict in Kashmir (Ex. 82). Along with defendant Arnaout's apparent role of getting provisions, he was also in charge of

communications. Ex. 83.

Further documents include: a receipt for cash from Abu Mahmoud al Suri (defendant Arnaout) for the purchase of 250 rockets (Ex. 84); a receipt for the purchase of a pickup truck from Abu Mahmoud al Suri, also containing prices of missiles (Ex. 85) and a letter from the purchaser agreeing to deliver the truck to the "Islami Khalis Party" (Ex. 86.); another receipt for cash from Abu Mahmoud al Suri for the purchase of mortar rockets (Ex. 87); a receipt for cash from Abu Mahmoud al Suri (defendant Arnaout) for the purchase of 108 missiles (Ex. 88); a receipt for a check from Abu Mahmoud al Suri for the purchase of 52 missiles (Ex. 89); a letter from defendant Arnaout to the "Ameer [Commander] of Torkham" inquiring about the availability of projectiles and fuses (Ex. 90); a letter to Abu Mahmoud al Suri stating that the author has received 108 missiles and 68 fuses (Ex. 91); a letter discussing the establishment of "supporting services" "without associating the office with this administration publicly"(Ex. 92); a report from Abdel Saboor on *Hezb e Islami mujahideen* affairs, including a list of *mujahideen* commanders, the weapons they have, and the weapons they need (Ex. 93); a request from *Hezb e Islami* for the formation of a camp in a particular area and outlining the plans for the camp (Ex. 94); a receipt from Abdel Saboor for the receipt of 100,000 Pakistani Rupees from defendant Arnaout in February 1990 "for the Jihad" (Ex. 95); a separate receipt from Abdel Saboor for the receipt of 190,000 Pakistani Rupees from defendant Arnaout (Ex. 96); an April 1990 letter to defendant Arnaout from Abdel Saboor on LBI letterhead (Ex. 97); an LBI accounting document reflecting: the receipt of money from Abu Ridha, that certain amounts received by Abu Rida will be paid by Abu Hager, that "Sheikh Adel" spent money on the Yemeni's camp, that Abdel Saboor and "Abdel Ghafar" received money from LBI, and that there was a payment from "Abu Al-Baraa" to "the Jihad Department" (Ex. 98). Also included is: a 1990 letter from Abdel Ghafar to defendant Arnaout telling defendant Arnaout that he has left the battalion and he will discuss the matter further after defendant Arnaout meets "with brother Abu Al-Khattab Al-Saudi" (Ex. 99); another letter to defendant Arnaout from Abdel Ghafar about his situation with "Abu

Al-Khattab al-Saudi" (Ex. 100); and four receipts from Abdel Ghafar for cash, two noting that payment is from defendant Arnaout and one stating that the cash is salary (Ex. 101). *See also* Ex. 102 (a letter to defendant Arnaout requesting a payment of 82,901 rupees to Abdel Rahman Al-Masri).

A report by Dr. Abdullah Azzam titled "Journey of Maktab Khadamat Al-Mujahideen" discusses issues related to MK including publishing *Al Jihad* magazine and providing support to the *mujahideen*. Ex. 103. It concludes by noting that the "Islamic foundations contributed in the Jihadist arena through the financial support of the fronts and of the Arab lions in the Maktab Al-Khadamat," noting that at the forefront LBI and the Saudi Red Crescent, among others. *Id.* at 2.

Finally, defendant Arnaout separately maintained at BIF's Illinois office a photograph with a note that it was of the "Red Cross Hospital, which the *Mujahideen* captured in the latest battles." Ex. 104.

E. Defendant Arnaout's Videos With Hekmatyar

Some of defendant Arnaout's activities in Afghanistan are also recorded on videotape. In one videotape, for example, defendant Arnaout is seen driving in a convoy of trucks. Upon arrival at its destination (a camp), defendant Arnaout leads a group in prayers. Shortly after the prayers, defendant Arnaout, Hekmatyar and others assemble a satellite telephone provided by defendant Arnaout and his companion. Later in the tape, Hekmatyar and others at the camp discuss various matters including the political situation in Afghanistan, among other things. At one point, Hekmatyar addresses defendant Arnaout and asks if he is from Syria. Defendant Arnaout responds affirmatively. *See* transcript, attached hereto as Exhibit 105.

In another videotape, defendant Arnaout again is seen meeting with Hekmatyar and in this tape, defendant Arnaout and Hekmatyar engage in an extended discussion about Afghanistan, its change in leadership, and the *mujahideen*. *See* transcript, attached hereto as Exhibit 106.

F. Shift from "LBI" to "BIF"

In the early 1990s, LBI's founder Adel Batterjee expressed his desire to see LBI expand and increase its international appeal, including its appeal to organizations such as the United Nations. Accordingly, in 1992, he incorporated BIF in the U.S., specifically, in Illinois. Ex. 107. Batterjee hoped that the organization would have more universal appeal if its name did not include a reference to Islam, unlike LBI. Shortly before BIF's incorporation, all new offices of the organization opened in countries other than Pakistan and Saudi Arabia used BIF's name and a nearly identical logo. However, BIF and LBI remained one organization, under Batterjee's control, and their assets were interchangeable.

On March 15, 1993, according to BIF minutes, BIF's Board of Directors consisting of Batterjee and two others from Saudi Arabia was replaced by defendant Arnaout, Zakaria Khudeira, and Jamal Nyrbe. Ex. 108. Defendant Arnaout, whose position at the time was coordinator of BIF-USA, was selected to run BIF "since everyone knew, worked with, and trusted Mr. Arnaout." *Id.* As the minutes reveal, BIF had not accomplished much in the U.S. before this. *Id.* at 1-2. Despite this change, however, Batterjee maintained an important role in BIF. *See* Ex. 109 (fax to Batterjee from "Inam Mahmoud" apologizing for the delay in sending Batterjee the 1995 budget because the Sarajevo and Zenica offices were late).

As executive director, defendant Arnaout played a very active role in BIF's operations, requiring employees of BIF in the U.S. to provide a log outlining the work they performed each day and requiring overseas offices to prepare and submit to him weekly and monthly reports. Because these reports were required to keep defendant Arnaout informed of BIF's activities, they are all in furtherance of the conspiracy.

Early on, Mohamed Loay Bayazid, also known as "Abu Rida," took a leadership role at BIF. Minutes of a BIF meeting on September 15, 1994, state: "Mr. Loay Baizid, president BIF presided the meeting which was started at 9:00 a.m. and lasted until 10:30 a.m. The following people were present: 1- Enaam Arnaout, Executive Director[.]" Ex. 110 . An unsigned

"Memorandum of Action" for BIF's Board of Directors in 1994 states that "Mr. Loay Baizid is hereby elected to fill the vacancy created by the resignation of Mr. Jamal Nyrabeh." Ex. 111. A check register possessed by defendant Arnaout shows a payment of \$4742.00 to Bayazid. Ex. 112.

G. BIF's Hidden Mission

The Indictment explains that from its inception, BIF, while purporting publicly to be a charitable organization involved only in humanitarian projects such as supporting orphans and assisting refugees, spent a significant amount of money in support of groups engaged in violence and concealed that fact from the public.

BIF purported to the public that it was engaged in only humanitarian relief work. Ex. 113 at 6 (BIF's Financial Statement claiming that it "was organized exclusively for charitable religious, educational and scientific purposes, including to establish, promote, contribute and carry out relief and charitable activities, projects, organizations, institutions and funds. The Foundation provides its benefits and services to needy and poor people irrespective of color, race and gender."); Ex. 107 (BIF's Illinois Articles of Incorporation listing its objectives as humanitarian); Ex. 114 (Illinois Charitable Organization Registration Statement listing BIF's work as purely humanitarian); Ex. 115 (BIF's website on October 31, 2001, listing BIF's work as purely humanitarian and stating that it "has not closed projects in any country it has been active in"). On February 29, 2000, the "About Us" page of BIF's website stated:

BIF is a humanitarian organization dedicated to helping those afflicted by wars. BIF first provides short-term relief such as emergency food distribution, and then moves on to long term projects providing education and self-sufficiency to the children, widowed, refugees, injured and staff of vital governmental institutions.

Ex. 116; *see also* Ex. 117 (flyer advertising a 2001 auction fundraiser for 2001 claiming BIF was established in 1992 and stating: "Benevolence International Foundation is a humanitarian organization dedicated to helping those afflicted by wars and natural disasters. BIF first provides short-term relief such as emergency food distribution, and then moves on to long term projects

providing education and self-sufficiency to children, widows, refugees, and the injured").

It should be noted that BIF was tightly controlled by defendant Arnaout and that persons affiliated with defendant Arnaout – including donors – were given varying accounts of BIF's purposes. Arms length donors – particularly corporate donors and those monitoring the website, particularly in English – were led to believe that BIF was involved in purely relief work: they were certainly not informed of any support of violence, *jihad* or military activity. Others – including board members and officers – had discussions of how much to reveal publicly about BIF's nebulous agenda to propagate Islam. Still others – including those who read the official website of the Chechen *mujahideen* or watched a fundraising video produced under the name LBI or who attended certain mosque fundraisers – provided support to BIF on the clear understanding that the support was going to fighters.

A BIF report recovered from its Illinois office regarding its activities in Sudan explained BIF's history in remarkably blunt terms:

From its first day, the BIF aimed to support Jihad and Mujahideen, by

- * Assisting in military and logistical support.
- * Assisting in providing medical care for the Mujahideen in the field.
- * Assisting in providing training, running camps, providing shelter, and in what accompanies these services, such as providing education, Da'awah,²² and looking after the families of Mujahideen and taking care of the orphans.
- * Providing moral and political support for the Mujahideen.

Ex. 118 at 2. The report continues:

This aim of supporting Jihad, may be connected to the establishment of the BIF in the land of Hijaz, and the desire of a wide ranging section of the committed people to support Jihad. Therefore, we find that the Foundation received a generous support that had a deep effect (by the Will of Allah) in the shaping of events in Afghanistan.

²² Da'awah, sometimes spelled "Dawah" or "dawah", translates to "the call" in English and refers to the propagation of Islam. BIF Board Member Suleman Ahmer explained dawah as follows: "As contrast to relief, Islam looks at Dawah as a tool for an end, which is the establishment of Islam and making it supreme in the world." Ex. 119 at 40.

Id.

The report adds: "It is vital for our new vision and approach that the general aim be changed from merely supporting Jihad and Mujahideen to spreading Islamic Da'wah. . . . This aim (the above), must be a hidden aim." *Id.* at 6 (emphasis and parentheses in original).

This report confirms that BIF was established in Saudi Arabia, often referred to as the "Land of Hijaz." Moreover, the "events in Afghanistan" discussed in the report refer to the conflict between Afghanistan and the Soviet Union in the late 1980s and early 1990s. As this report demonstrates, BIF had a fundamental mission which it did not share with the general public, including many of its donors, namely, supporting *jihad* and *mujahideen* as well as spreading Islamic dawah.

On October 15, 1997, BIF Board Member and Operations Manager Suleman Ahmer wrote to defendant Arnaout:

By the grace of Allah we had the final meeting in our office about the mission statement. I realized how important it was to have the other people in the office join in (Zakaria was also there.) First I am of the opinion that this statement should be only for the board and officers of BIF so that we can think clearly without having to worry about what the other people would think of it.

The other thing I realized that in reality we, especially I was, not clear about what BIF is all about. I had an idea but by having to write it down, I have been forced to think clearly about it.

* * * * *

In the absence of a clearly written mission statement, a lot of our plans have been directionless, coming due to the needs and circumstances around us. The Azerbaijan wells are one such example.

For example in the discussions we realized that we have never worked in the countries which are affected by natural disasters and looking at what we are doing now we may never work in this area. But somehow in so many of our publications we have that BIF works in areas affected by wars and natural disasters. I wonder where it came from and so on.

* * * * *

I have written the above to emphasize the point that the time to finalize the mission statement has come and inshallah I look forward to having it finalized in our next meeting.

With its finalization we shall have a constitution for BIF with which we can measure our work and constantly check our direction. Also with which we can decide which country to work in and which to not; and with which we can have a clear understanding of why we are working in some areas and why not in others.

Ex. 120 at 1-2.

A month later, in November 1997, defendant Arnaout and others in the U.S. decided to document formally BIF's private and public missions, as revealed in minutes of a board meeting involving defendant Arnaout and Suleman Ahmer:

12.1 It was decided that there would be two documents for the mission statement: one, an internal document for the board members and the key employees and a summarized one as a general statement for the public. It was decided that Suleman would present a draft for both.

12.2 It was decided that all the new and old projects should be judged according to this mission statement and that all actions taken with in the Foundation must be in line with this statement.

Ex. 121 at 2. On May 28, 1998, Ahmer wrote to another BIF Board Member Jamal Nyrbe (sometimes spelled "Nyrbayah"):

[W]e have a mission statement now and the purpose of having a written document stating our direction is to avoid exactly what we would like to do now: going off in different directions. Kosovo does not fit into our field of work and this is clear from the beginning. As we have decided we are not a relief organization rather a dawah organization for countries where the islamic (sic) identity of the Muslims is at risk. And when we would be making this dawah, we would also take care of some of the needs of the people.

Ex. 122. A few days later, Ahmer provided Nyrbe with a letter attaching BIF's private and public mission statements:

Mission Statement "A"

With the pleasure of Allah as the sole motivation and within the guidelines set by the Shariah, the mission of Benevolence International Foundation is to make Islam supreme on this Earth.

Ex. 123 at 1-2. A computer at BIF's Illinois office also contained an electronic document stating

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BIF's true mission, titled "Mission Statement (INTERNAL USE ONLY)" and stating "[T]he mission of Benevolence International Foundation is to make Islam supreme on this Earth." Ex. 124 (emphasis in original); *see also* Ex. 125 ("[T]he mission of Benevolence International Foundation is to establish Islam on this Earth.")

However, BIF's public mission statement differed:
"Mission Statement"

BIF will strive to empower Muslims whose Islamic identity is collectively threatened by wars or other causes . . . and would address the humanitarian needs of such Muslims if any.

Ex. 123 at 3; *see also* Ex. 126 at 2 (memorandum on October 18, 1998, from Ahmer stating that BIF's website had to be changed to include its new "final" public mission statement: "BIF will strive to empower Muslims in its area of operation to lead Islamically principled lives both individually and collectively and to alleviate their sufferings to the best of its capacity.")

In July 1998, defendant Arnaout met with others on BIF's board, including Nyrbe, and again discussed BIF's non-public mission:

- 12.0 The mission statement was finalized and it is attached.
- 12.1 It was furthermore decided that all of the work of the Foundation would be decided according to the mission statement.
- 12.2 The CEO will be responsible for making a study of all projects in light of the mission statement and submit a report on the projects' compliance with the mission statement. By April 1st, 1999 all the projects must be altered to conform to the mission of BIF and the ones that can't be changed would be shut down.

- 13.0 Br. Enaam will submit a proposal about the orphan sponsorship in the countries in which BIF doesn't have an office. The proposal will demonstrate as to how these sponsorship programs are in line with the Vision and Mission of BIF.
- 14.0 To sometime have a pure relief project without Dawah if it can be proven that it is necessary for the successful operation of other Dawah projects.

Ex. 127 at 3.

Ahmer prepared "A General Fundraising Proposal" for defendant Arnaout dated June 17, 1999, reiterating that BIF was not primarily a relief organization: "[A]s decided in our new mission, we have effectively moved away from pure relief work and the money which is available for just crisis is no longer that readily available for us." Ex. 128 at 2.

BIF made efforts to distance itself – on paper – from the internal mission shortly after Ahmer's "A General Fundraising Proposal." Minutes of a BIF Board Meeting dated June 22, 1999 state: "The mission statement was discussed in details and it was decided to keep the mission with the understanding of the board, that BIF is, a relief organization. The board did not agree with the present understanding of Mr. Ahmer." Ex. 129. The minutes add: "The board accepted the resignation of Mr. Ahmer from the board." *Id.* Ahmer later informed defendant Arnaout that the minutes had been "edited for our legal books." Ex. 130 at 1.

Minutes from a meeting attended by Ahmer, Nyrbe and defendant Arnaout two days later state:

It was decided that;

1. Suleman will take another look at the letter that has to be sent to the people to whom he explained this mission . . .
2. I [Ahmer] will try to make sure that this letter can't be used against BIF . . .
4. For the officers in BIF who know this mission, I will let them read the letter for the people who know our mission and let them come back to me with questions. .

Ex. 131.

As those minutes indicate, defendant Arnaout was apparently concerned that Ahmer told untrustworthy people about BIF's non-public mission. Ahmer explained to defendant Arnaout in an undated e-mail:

Like I told you before, I have not made any public announcement of the mission rather was talking about it privately to people. I consider the communities in which these people reside as the communities which in general are introduced to this mission as most of these people are very influential in their respective communities.

Ex. 132. However, a memorandum from Ahmer to defendant Arnaout on August 11, 1999 (after

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Ahmer was going to resign) reveals that BIF and defendant Arnaout had not eliminated or modified its non-public mission. Ex. 133. In that memorandum, Ahmer wrote:

[W]hen brother Jamal [Nyrbe] was here I discussed with him a matter regarding the public and private mission of BIF.

* * * * *

[A] Muslim in his community receives the one you have made for the public which says that the mission is to make lives of people more comfortable, any sensible person can easily see that these two statements are not a difference of understanding rather they are two completely opposite statements.

* * * * *

If you go back to last year, when we talked about having two statements there were actually the same statements just the wording for the public was to be a little light and not so upfront and assertive. But in this case, the one you claim to have it for the board and the one for the public is completely different.

Id. at 1-2.

Nevertheless, on approximately October 15, 1999, Ahmer wrote a letter stating:

I am writing to all such individuals – a select group – who I had discussed with and explained the mission of BIF in finer details and believe that they had understood me clearly.

* * * * *

Based on this realization, the board has decided to maintain the prior position and entity of BIF, which is that BIF is primarily a relief organization and would get involved with Dawah work when it deems it proper as opposed to the mission that I had shared with you which is that BIF would essentially be a Dawah organization doing relief as an obligation when needed.

Ex. 134 (emphasis in original).

Despite Ahmer's resignation, BIF's non-public mission remained the same. An employee of BIF who knew BIF's true mission recorded months later on January 28, 2000 in a notebook recovered from BIF's Illinois office: "Mission Statement (2) 1. Hardcore make Islam Supreme on Earth". Ex. 135 (parentheses in original). In another note recovered from BIF's Illinois office a BIF employee wrote: "That is our mission – Lying to the people." Ex. 136 (emphasis in original). These sentiments were echoed in another handwritten note at BIF: "unwritten law no

matter how poor/sick – first priority is for mujahideen". Ex. 137 at 9.

Moreover, defendant Arnaout reiterated Ahmer's "A General Fundraising Proposal" of June 17, 1999 with his own "A General Fundraising Proposal" in January or June (the month is partially illegible) 2000. Ex. 138. In that memorandum, like Ahmer, defendant Arnaout stated:

The big problem is our move away from Relief. As decided last year in our new mission, we have effectively moved away from pure relief work, and the money which is available for just crises was no longer that readily available. (The Kosovo issue was the best example).

Id. at 2.

Also in 2000, BIF employees noted that with respect to presentations to the public:

Sister Dina made the same point as Br. Mohammed as well as suggesting Br. Khalil to stick to the official explanation of who BIF is, as stated by published materials and our mission statement. We are a non-profit, non-political humanitarian relief agency. . . . We are not a dawah organization or affiliated to any Islamic organizations. We happen to be Muslim and the countries we work in, happen to be Muslim. But we are not a 'religious non-profit' like Habitat for Humanity which is a 'Christian based' operation.

* * * * *

Sister also noted the importance of taking precautionary measures to protect BIF. Br. **Muzaffar** brought up the point that it has to be made clear to people that our role in the UMMAH is a relief organization and no Dawah based and the differences between them.

Ex. 139 (emphasis in original).

As the statements above establish, much thought went into BIF's effort to portray its mission falsely to the public.

H. BIF's Efforts in Sudan

As stated above, BIF maintained in its Illinois office a Sudan file containing a BIF report that explained that from its first day BIF aimed to support *jihad* and *mujahideen*, by assisting in military and logistical support, and providing medical care for *mujahideen* and caring for families of *mujahideen*. The report states:

By the grace of Allah, the services of the BIF in the Sudan started in May 1991, after the agreement of *the base* in Sudan with the Sudanese Government. The BIF was able in a short span of time to occupy a distinguished place among the organizations which work in the relief and service work in the country, and the tawfiq is from Allah (SWT).

Ex. 118 at 7 (emphasis added). The report does not explain who "the base" is that reached an agreement with the Sudanese government in May 1991. However, at that time, as discussed above, Usama bin Laden and *al Qaeda* relocated from Afghanistan to Sudan, where they operated in partnership with elements of the Sudanese government, specifically the Sudanese intelligence service and the ruling National Islamic Front. Literally translated from Arabic to English, "*al Qaeda*" means "the base."

In a bulletin on BIF letterhead titled "Eight Years of Benevolent Work," defendant Arnaout stated:

BIF is currently active in Bosnia-Herzegovina, Chechnya, Croatia, Azerbaijan, Afghanistan, Bangladesh, Pakistan, the Sudan, Tajikistan and Yemen. . . . BIF is funded solely from the donations of concerned Muslims.

* * * * *

SUDAN PROJECTS

For the past five years, BIF has provided millions of dollars in aid to Sudan, especially for the people of the war-torn south. BIF has assisted in resettling thousands of refugees and has provided food, medicine, clothes and shelter.

Ex. 140.

Although undated, the bulletin likely was written in 1995. It celebrates "eight years" of BIF's work, and as discussed above, on some materials BIF claims to have begun its work in 1987 (while on other items it claims to have established in 1992).

BIF also included the mailing address and telephone number of its Sudan office on various versions of its letterhead, including the letterhead of BIF's Canada office. Ex. 141. Moreover, BIF noted in solicitations (in addition to the "Eight Years of Benevolent Work" bulletin) that it worked in Sudan. Ex. 142. A 1999 "Agenda for Enaam" listing defendant Arnaout's responsibilities included "Approve the budget for all BIF" and "Coordination with BIF Sudan." Ex. 143 at 1 and 7.

In a detailed report on its Sudan office, which describes BIF "first, before the establishment of the Sudan Office, and second after the establishment of the Office," BIF

explained that "from its first day," its goal was to support *jihad* and *mujahideen* by assisting with military and logistical support, providing medical care in the field, providing training and running camps, providing dawah, looking after the families including children of *mujahideen*, and providing moral and political support for *mujahideen*. Ex. 118 at 1.

After noting BIF's historical success in supporting *jihad* and *mujahideen*, as well as some of BIF's weaknesses, the report continues:

The Foundation came to the Sudan without any preparation. It came carrying its general objectives and it was consequently under influence by the new political and security circumstances immediately after the resurrecting of the Sunnah of Jihad in the Sudan. **It formed a close union with the popular defense force on many fronts:**

- * Meeting over the strategic and detailed objectives.
- * Meeting over the management and financial aspects.
- * Meeting over the programs and work accomplishment aspects:
 - * The training camps experience.
 - * The "Ribat Al-khail" Project.
 - * The "Mugheeraati Subhan" Operation.
 - * The information and media planning.
 - * The medical teams accompanying the military operations.
 - * The Muglad Hospital.
 - * The Kadugly Hospital.
 - * The Naw Hospital.
 - * The armored battalion of "Waleed".

In addition to all the above, the work domain and the selection of workers was under direct influence of the military think-tank. The general plan was from the beginning tied to the notion of operating along the confrontation lines and according to three stages. This was to be followed by a gradual advance towards the south. Upon consecutive victory achievements after "Saif El-'Ubud", **an urgent need appeared for:**

- * Maintaining a direct presence in the security hot spots.
- * Maintaining a humanitarian presence by an international organization which found itself in the midst of a complicated political struggle in the south.

It was therefore essential to take all the measures and precautions in dealing with military events as dictated by the first point above, as well as on the non-military side as required by the second need.

Id. at 2-3 (emphasis in original). The Arabic name for the "popular defense force" in Sudan

referred to in the BIF report is *Difaar al Shabi*.

The report explains that BIF eventually "separat[ed]" from the "popular defense," although it maintained "close contacts" with it. *Id.* at 3. Because of their separation from the popular defense

and "the economic and political effects of the Gulf War," BIF's officials were "led to think in two directions": 1) "investment"; and 2) "looking for support in other international horizons, while associating ourselves with, and taking along, the humanitarian elements and the programs of various organizations." *Id.* at 3. The report then explains that BIF became unfocused and disorganized, lacking "the strategic planning and the high quality programming." *Id.* at 4-5. Next, the report addressed BIF's projects in the Sudan, noting that there were significant unanswered questions about the objectives and details of the projects. *Id.* at 5-6.

The report then discusses BIF's plans for the future:

We are on the verge of a new era in which the BIF looms up on a hostile world. A world which is eager to unleash its onslaught on us, and on our objectives. The BIF has become a big responsibility on our shoulders in front of Allah (S.W.T.) and then in front of the group of founders of this organization, who trusted us after we pledged our good promises to them, and after they saw from us what make them delighted. The big challenge now is, however, that the general aims and objectives be clearly specified in a manner that is comprehensible by all, a manner that unifies our steps and progress so as to make our move, a one strong-man move.

First: It is vital for our new mission and approach that the general aim be changed from merely Supporting Jihad and Mujahideen to spreading Islamic Da'wah. We no longer need to argue about the details of the rites that we are going to support and traditions (of the Prophet *salla Allahu aliehi wa sallam*) that we are going to resurrect!!

Second: This aim (the above) must be a hidden aim, that we ought to replace by aims that are inclined toward resurrecting the good human values, and guarding human rights, woman rights and children rights.

Id. at 6 (emphasis in original).

BIF's Sudan file also contains a quarterly report for its Sudan office for May 31, 1995 to

August 17, 1995 documenting humanitarian work (Ex. 144), an "Operational Plan & Budget Balance" for 1995-1996 (Ex. 145), and a series of handwritten reports about BIF's activities in Sudan (Exs. 146, 147, 148, and 149).

In the report on its Juba, Sudan office, BIF notes among its "programs achieved" "supporting the Mujahideen with food and medicine in their departure centers to operations areas." Ex. 146 at 1. Among the "projects achieved" by BIF in Damazin, Sudan, Muhammad Almahdi Abdelbaqui, the "Director of Damazin Mission," states: "Financial and material donations were given to the Mujahideen in the areas of Al-Mazan and Al-Boutej." Ex. 147 at 2. He also notes BIF's substantial *dawah* work. *Id.* at 2-3.

In notes on BIF's Kadugli, Sudan office, BIF describes a visit by Ambassador Melissa (spelled "Milicia" in the report) Wells, a special envoy from the U.S. under President Clinton who worked in Sudan as part of international efforts to bring peace to the country. Ex. 148 and 149. BIF recorded that on June 15, 1994, Ambassador Wells met with the director of BIF's Kadugli office, Ma'moun Muhammad Al-Hasan Bilou who provided her "information about the goals and activities of BIF in Kadugli province." Ex. 148 at 1. Director Bilou told Ambassador Wells

that BIF is a international organization working in the humanitarian fields and provide (sic) free basic services like health care, education, agriculture, mother and child care, and helping the poor families regardless of color or gender. He added that BIF works in coordination with all international organizations in Kadugli like UNICEF, WHO and Red Crescent.

Id.; *see also* Ex. 149 at 1 ("Mr. Bilou: BIF is an international organization accredited by the United Nations and is recognized worldwide. Its humanitarian work includes providing health care, schooling, and relief to refugees, deportees, and children regardless of their religion, race, or color."). After this description, the report notes: "Ms. Milicia Wells praised BIF and its efforts to provide humanitarian relief." Ex. 148 at 1. The report then describes visits by a Dutch Aid delegation, a group from UNICEF, and a group from the American Muslim Friendship

organization. *Id.* at 1-2. It does not indicate that BIF informed Ambassador Wells or the organizations in the least bit about its support of *mujahideen* efforts or of *al Qaeda*.

A handwritten BIF "news report" describes Ambassador Wells's visit and includes questions she asked along with Director Bilou's answers. Ex. 149. It notes that in response to Ambassador Wells's question "from where BIF gets the financial support," Director Bilou stated:

BIF has fundraising offices in the U.S., Canada ((Ottawa)), Qatar ((Doha)), Saudi Arabia ((Jeddah)) and other Arab countries. through their offices, BIF collects funds from donors and sends them to Sudan to be spend (sic) on the needy, orphans, the poor, and the deportees.

Id. at 1-2. Director Bilou also said that BIF works in "Sudan, Somalia, Bosnia, Afghanistan, Burma, Bangladesh and Pakistan." *Id.* at 2. According to Director Bilou, BIF's "work in Sudan is located in Kadugli, Damazeen, Al Mujallad, and Juba." *Id.*

It should also be noted that when the *al Qaeda* leadership returned to Afghanistan from the Sudan in the summer of 1996, BIF in Pakistan promptly became aware of the return of the "Arab leadership." See Ex. 150 (July 24, 1996, letter to Enaam Arnaout); Ex. 151 (August 23, 1996 "Message from Usama Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula.").

I. BIF's Efforts in Bosnia-Herzegovina

Much of BIF's efforts were focused on Bosnia-Herzegovina. Indeed, defendant Arnaout had a family and residence in the capital, Sarajevo, and BIF had offices in Sarajevo and Zenica. It also at one time had an office in neighboring Croatia.

A BIF folder recovered from the trash outside BIF's Illinois offices in December 2001 contained the following handwritten notations (translated from Arabic):

Donate generously to Benevolence International Foundation because it is:

* * * * *

It has field offices in the following:

Europe - Zagreb (Croatia): for relief operations and support of jihad in Bosnia-Herzegovina

Asia - Peshawar (Pakistan) - to support Afghan jihad, participate in huge effort of rebuilding, and helping war casualties

* * * * *

America - Chicago - to raise donations and benevolence endowment and deepen volunteer sense among the Muslims and their brothers in disaster areas

* * * * *

Contribute with your mujahideen brothers to repel the Crusader-Zionist attack on Muslim lands

* * * * *

Steeds of war projects

Hospitals, saving the mujahideen wounded (health care programs), eight

* * * * *

Training heralds and repelling Christianization activity.

Ex. 152. "Steeds of war projects" appears to refer to a verse in the Koran which reads: "Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies[.]"²³

After the formation of BIF, in 1993 or later, a videotape was produced soliciting funds for *mujahideen* in Bosnia. The videotape states at the outset that "the copying and distribution rights of this product are exclusive to *Lajnatt Al-Birr Al-Islamiah*" and that it cannot be reproduced

²³ The Holy Koran, Surah 8, Verses 60-61.

without permission, and that unauthorized reproduction is unlawful. Ex. 153 (transcript of videotape, translated from Arabic). Throughout the video, the logo of LBI, which is nearly identical to BIF's, appears in the corner of the screen, after erupting from Saudi Arabia, depicted on a graphic of Earth. The beginning of the video claims to depict the "first actual recording of the battles which are being fought by the Muslims and the Serbs on the land of Bosnia and Herzegovina, and the facts surrounding the martyrdom of a number of Arab *mujahideen*." *Id.* at 1. Near the end of the video, LBI's logo erupts from a graphic depicting Saudi Arabia on a globe and a voice announces: "*Lajnatt Al-Birr Al-Islamiah* is your trusted hand for the support of the *mujahideen* and the immigrants of the Muslims." *Id.* at 12. After that, a montage is displayed showing among other things a building used by LBI in Saudi Arabia and video of relief work in or near Afghanistan. The tape concludes with graphics displaying various accounts and corresponding numbers, including a general charity account and an account for orphans. A voiceover states near the end: "*Lajnatt Al-Birr Al-Islamiah* – trust and honesty."

Most of the video depicts combat footage and scenes of destruction within Bosnia, clearly designed to appeal to donors who wished to financially support the *mujahideen* fighting in Bosnia. The video also contains a long interview with a Saudi Arabian soldier who describes combat involving *mujahideen*, including the deaths of Abu Zubair al Madani and Abu Abbas al Madani. Also included is footage eulogizing Abu Zubair al Madani and Abu Abbas al Madani, including their burials and shots of their families. Both of these individuals were well-known members of *al Qaeda*.

The entire videotape furthers the conspiracy because it was designed to raise funds for *jihad*. Although it uses LBI's name (charged as part of the BIF Enterprise), it was produced after BIF was formed (based in part on the approximate date of Abu Zubair al Madani's death). Moreover, LBI did not operate in Bosnia, but BIF did. Both organizations were founded by Adel Batterjee, and their assets were interchangeable.

BIF also maintained in Illinois a receipt from the "Black Swans" commando brigade in

Bosnia showing that it received from BIF 300 blankets and 200 pairs of boots on July 21, 1994, which also expressed hope that their collaboration will continue. Ex. 154 (letter typed in Arabic). The receipt is signed by Brigadier Hase Tiric.²⁴ *Id.*

BIF also had in its Illinois office a receipt from the army in Bosnia dated June 3, 1994, issued to BIF for the donation between 1992 and 1994 of 2000 uniforms, 2000 pairs of shoes, 2500 square meters of plastic or nylon, and ten mass communication stations. Ex. 156. The letter thanked BIF "on their noted assistance and collaboration with this military unit" and hoping that "this mutual collaboration will continue." *Id.*

On December 31, 1994, the Bosnian army requested that BIF provide it with an ambulance. Ex. 157; *see also* Ex. 158 (letter from army commander requesting an ambulance from BIF). Shortly thereafter, a unit commander in the Bosnian army thanked BIF for providing it an ambulance, delivered on January 25, 1995. Ex. 159.

In February 1995, BIF established a sewing center in Tejsan, Bosnia-Herzegovina expressly "for the wives and daughters of Bosnian ["Muslim" is crossed out] soldiers who have died fighting in Bosnia." Ex. 160. BIF noted that "the center takes in 70-75 sisters every 3 months." *Id.*

On August 10, 1995, defendant Arnaout wrote a letter thanking donors for contributing over \$250,000 for assistance in two towns in Bosnia. Ex. 161. Defendant Arnaout wrote that BIF is assisting Bosnian refugees "with a view of preserving the precious resources of the Bosnian government as much as possible." *Id.*

In a separate solicitation for funds, titled "We need your help for the people of Srebrinica

²⁴ The Black Swans are discussed in the article at Ex. 155 (Chuck Sudetic, "Bosnia's Elite Force: Fed, Fit, Muslim," *The New York Times*, June 16, 1995). The article cites Brigadier Tiric, who explained that the Black Swans spend around \$700,000 per month in cash on weapons, equipment and supplies. *Id.* The article states: "He said that some of the funds come through the army's general command but that most come from 'private sources.'" *Id.*

now!", BIF declared: "Once again in front of the whole civilized world the Muslim town of Srebrenica has been allowed to fall." Ex. 162. The letter states: "The Serbs have specifically done this to divert the attention of the Bosnian army which is on the offensive is trying to break the deadly siege of Sarajevo. The offensive must continue!" *Id.* (emphasis in original). The letter then asks for donations in an effort to buy tents for refugees, stating: "This will relieve the burden from the government." *Id.*

As the notes on the folder above indicate, however, BIF's military support in Bosnia during the war was not limited to merely freeing up Bosnian resources to spend on military activity. In a memorandum to defendant Arnaout on November 17, 1995 (three months after the letter from defendant Arnaout discussed above), BIF employee "H. Ghawji" described the delivery of 200 tents from BIF to the Bosnian government in October 1995. Ex. 163 at 1. Ghawji described his meeting with government officials and summarized the government's needs, including a request for humanitarian assistance in establishing factories to generate income for the wounded and families of soldiers killed in the war (referred to as "shahids"). *Id.* at 1-2. Ghawji then wrote:

Now let us go to the army needs: The fifth corpus in the Bihać area need the following: Tents, sleeping bags, other equipment for outdoor activities, kitchen sets for camping, medicines as antibiotics, bandages, Military shoes, field cars, and foods.

Ghawji's letter discusses future plans in Bosnia, including possibly hiring an individual from Sudan named Naser. *Id.* at 2-4.

At the same time, defendant Arnaout was also keeping well informed of the happenings in the neighboring Zagreb office. *See* Ex. 163a (letter from Arnaout dated October 31, 1995, telling BIF employees how to handle the Croatian authorities and advising that the Interior Ministry will ask questions about a visitor to Zagreb and to advise that it is a "friend to friend" visit; June 17, 1995, letter to Arnaout advising of an inquiry by the "Black Swan" (incorrectly translated as "black tie") group and a request for ambulances for "units" in Tshin and Tsljnjish; a

July 2, 1995, letter from Arnaout that a man named "Hamad" with no beard and mustache will be coming to Zagreb and is to be taken to "brother Haitham" as soon as possible; and a July 3, 1995, letter from a BIF employee in Zagreb indicating that the brother Hamad had arrived and was going to Bosnia the next day; a letter to Arnaout marked "urgent," indicating that the "Institute" should not be contacted as "circumstances are not convenient these days"; an October 8, 1996 letter advising of time and manner of contact to the "Institute"; and a letter in the Illinois files which discusses how to fill out the shipping forms so as not to encounter a problem with Croatian authorities).

On April 30, 1998, the Ljiljan Commerce Group, a Bosnian corporation directed solely by defendant Arnaout (Ex. 164) and part of the BIF Enterprise, wrote to the Bosnian Consulate in Turkey requesting a visa for the entry of Abu Hajar (Mamdouh Salim) into Bosnia, purportedly for a business meeting. Ex. 164. On May 5, 1998, Abu Hajar – who was present for the founding of *al Qaeda*, served on its *shurah* (consultation) council, issued *farwahs* authorizing violence against America and authorized efforts to obtain uranium for nuclear weapons for *al Qaeda* and had described Bosnia as the base for *al Qaeda* operations in Europe – completed a visa application, listing his occupation as "Businessman." Ex. 165. That same day, a letter on Ljiljan Commerce Group letterhead was sent to the Metalurg Hotel over defendant Arnaout's signature requesting an apartment for "one of the directors of the organization BIF in Bosnia [.]" Ex. 166.

A receipt from the Metalurg Hotel shows that Salim stayed there from May 7 to May 10, 1998. Ex. 167. The receipt also shows that the Ljiljan Commerce Group paid his bill. *Id.*

In October 1998, BIF's employees in Bosnia responded to questions from BIF about various aspects of BIF's work in Bosnia. In an electronic mail on October 26, 1998, in response to the question "What do you think is the best thing that BIF has done in Bosnia?," the employee responded: "Military training of soldiers during the war[.]" Ex. 168 at 1.

In Bosnia, BIF established an Orphan Sponsorship Program. BIF explained the program

to potential donors as follows:

BIF has sponsored thousands of orphans in its eight years of operation and continues to do so in countries as varied as Afghanistan, Bosnia and Sudan

* * * * *

- * *Raising the morale of the soldiers:* The reassurance that his child will be taken care of adequately in the case of his death inspires confidence and raises the morale of a soldier. A study that B.I.F. conducted shows that in all areas where an effective orphan sponsorship program has been instituted the morale of the soldiers improves.
- * *Freeing up resources for defense:* Caring for orphans requires a sizable investment in financial and human resources, especially close to an area of active conflict. By setting up and administering a successful program, we free up the resources of the Bosnian government to use them for an important task: to ensure that children are not made orphans in the first place (i.e. defense). It must be kept in mind that the war in Bosnia has dramatically escalated and the Muslims have to make the most of all the resources they have.

We hope you can understand by now that your sponsorship means much more than supporting a needy child whose parent(s) have been cruelly snatched away from them. It also represents an opportunity to influence the overall situation on the ground with a statement to the men at the front, '*Don't worry, we'll stand by your dear young ones if something were to happen to you!*'

Ex. 169 at 1-2 (emphasis in original). BIF used reports mirroring this one for more than one year and for sponsorship programs in areas in addition to Bosnia.

On April 10, 1999, Suleman Ahmer completed his "Vision 2013 Proposal" for BIF's Board of Directors. Ex. 119. The report, a blueprint for the "creation of an Islamically empowered generation which understands that the Muslims of Bosnia have to stand-up on their own feet and fare for themselves" concludes that: "The critical mass will come from the 400 orphans that we sponsor and their brothers and sisters. In general we are looking at a pool of around 1000 children to start with." *Id.* at 6. Ahmer suggested that the "recruitment of the children would start from September 1 and the training of the children would start from November 15, 1999." *Id.* at 20.

On April 21, 2001, defendant Arnaout purported to introduce himself to the organization "Bosnia Ideal Future" in a letter from BIF-Sarajevo stating that BIF was going to give its projects

to Bosnia Ideal Future. Ex. 170. On May 1, 2001, defendant Arnaout (as a representative of BIF-USA) and Munib Zaharigac (as a representative of "Bosnian Ideal Future", or *Bosanska Idealna Futura*), executed an agreement which stated that BIF-USA would fund Bosnia Ideal Future's projects, and that Bosnia Ideal Future has to submit budgets for projects in advance. Ex. 171. The "new" Bosnian organization used BIF's Sarajevo and Zenica offices as well as its logo (and of course its initials "BIF"). Ex. 172.

On November 9 or 10, 2001, Munib Zaharigac, the director of the Sarajevo office, e-mailed defendant Arnaout about a problem with their books. Ex. 173. Zaharigac explained that about six months earlier, BIF helped a wounded soldier from Sarajevo reconstruct a flat after he and his family were evicted from their home. *Id.* Zaharigac explains that an accountant explained to him and "Alen" (the director of BIF's office in Zenica, Bosnia-Herzegovina) the laws applying to residential humanitarian organizations. *Id.* Zaharigac explained:

As I had informed you before we couldn't present buying flats as our outcome. Also many other bills we could hardly account as our outcome. Alen suggested making new distributing list of orphans and present it as our outcome. But, if it's able, the easiest solution, I mentioned it before, is that we take the needy amount from your BIF Central Bank account and distribute it for OSP for two months in order to be equal our income and outcome.

Id.

In his initial response, defendant Arnaout wrote only: "I did not understand what do you mean in this email??????" *Id.* In response, Zaharigac wrote: "It is impossible that you didn't understand anything in this e-mail even my English is bad (sorry for that)." *Id.* Zaharigac added that he supposes that defendant Arnaout is angry with him for his poor job performance. *Id.*

Zaharigac sent a separate response to defendant Arnaout on November 15, 2001, explaining that countries are looking into who is financing terrorism and some humanitarian organizations finance terrorism. Ex. 174. Zaharigac then wrote: "Now I'm going to inform you about the most important thing about my last letter you didn't understand. We have a big

difference between our bank account income and outcome." *Id.* He then explained that about half of BIF's expenditures are not on the books, adding: "We can expect their visit and we should be ready for that, because we spent all this money here but must have the papers of that. Please let me know what you think." *Id.*

On November 16, 2001, defendant Arnaout forwarded Zaharigac's e-mail to Alen Cosic and stated that it appears that Zaharigac is confused about the accounting. *Id.* Defendant Arnaout explained that the way Zaharigac is approaching the problem does not seem correct. Defendant Arnaout instructed Cosic: "Please remind him about our last deal and the things we should follow in our last meeting[.] No phone calls or emails about this subject any more please." *Id.* Defendant Arnaout concluded by asking Cosic to explain Zaharigac's e-mail. *Id.*

In response, Cosic reiterated that there is a "gap" in BIF's official accounting. *Id.* He wrote that one solution is to send money from BIF in the U.S. to an account in Bosnia that is not BIF's regular account – "that way, official accounting would not have any incomes from abroad and for the next 3-4 months we would 'spend the gap.'" *Id.* Cosic adds that this solution is not a good one because the amount of money is so high that it would be noticed. *Id.* Cosic then explains that he does not want to give all the accounting information to the accountant, and concludes by stating that Zaharigac's problems stem from his limited understanding of English. *Id.* Defendant Arnaout replies by stating that he thinks there is a misunderstanding with Zaharigac, and he will be in Bosnia the following week. *Id.*

On January 15, 2002, Batterjee e-mailed defendant Arnaout to tell Arnaout that he got the update from Dr. Hisham (defendant Arnaout's brother, through whom Arnaout communicated to Batterjee, as discussed below). Ex. 175. Batterjee e-mailed defendant moments later and encouraged him to come to Saudi Arabia for Hajj. Ex. 176. A few days later, defendant Arnaout and Batterjee spoke by telephone and Batterjee requested that Arnaout relocate with his family to Saudi Arabia. Ex. 177.

On February 12, 2002, defendant Arnaout spoke via telephone with his brother Hisham
Via INTELWIRE.com

overseas. Defendant Arnaout was obviously well aware of BIF's history in Bosnia. *See* Ex. 178. Defendant Arnaout told Hisham that "they" took the former director of BIF's Bosnian office "in a special plane" "[t]o Cuba." *Id.* Defendant Arnaout added: "[J]ust tell him [referring to "Abu Sulafa," or Adel Batterjee] ninety-three, ninety-four, and Abu Sulafa will know what you are talking about."²⁵ *Id.* He elaborated: "Yeah, ninety-three, the director of those days. It means, we, I mean, there is death that we will be swallowing. Meaning, the razor will fall on us, but we do not know how. . . . Yes, in ninety-two and ninety-three, the work there was Abu Sulafa's. . . . And the work was the type of two-edged razor. So the owner of the job, the director who was on the job there, whom I was responsible for, is now with them. . . . So I mean, after him, after him, after him, after him, after him as long as it takes[.]" *Id.* at 16.

J. BIF's Efforts in Chechnya

1. Background

Beginning in or before 1995, BIF worked in Chechnya, an area within Russia that has been consumed by violence between Russian forces and Chechen separatists. As discussed below, BIF's efforts in Chechnya centered on supporting the *mujahideen* fighting against Russia. BIF Board Member Suleman Ahmer described Chechnya in a memorandum titled "The embattled innocence: Chechnya." Ex. 180. The report chronicled Ahmer's trip to Chechnya as "part of the effort by a local humanitarian organization, BIF, in taking relief to the region." *Id.* In the report, Ahmer referred to Chechnya as "[o]ne of the last great forts of Islam in the Caucasus." *Id.*

In describing the conflict, Ahmer explained that "the strategy of the Russians is to seek a comprehensive defeat of the Dудayev's forces." *Id.* Ahmer added:

The most ironical yet moving instance for me was to find together the Chechens who

²⁵ Defendant Arnaout had previously informed Batterjee that he had been searched at the airport. Ex. 179.

fought with the Mujahideen against the Russians in Afghanistan and the Chechens who fought the Mujahideen as Russian soldiers. It brought tears of happiness to my eyes when I shared some time with all of them eating together and talking about Islam. Such are the moments which expose the true strength and greatness of Islam and fill our broken hearts with pride and joy. Sultan, a former Russian soldier, who spent a year in Faizabad (Afghanistan) fighting the Mujahideen said that he had returned to wage a Jihad against the Russians with a hope that Allah would forgive the time that he had spent in Afghanistan. -

It is difficult to ignore the deep reverence to Islam, the pride and fearlessness that permeates in the whole society. "War is a frequent visitor to our land." remarked a young Chechen, "It doesn't annoy us any more. We have fought Ghazwas [()Chechen term for war] for centuries."

Id.

In January 2001, BIF published on www.benevolence.org the "History BIF in Chechnya." Ex. 181. After stating that Chechen Muslims declared independence from Russia in December 1994, BIF states:

BIF took an immediate interest in helping the Muslims, and became established in the Vendeno district in March of 1995 through our contact, Shiekh (sic) Fathi.

BIF first project in Chechnya was the distribution of protective shoes to the population. During the war, the Russians were using small camouflage mines called Frog mines. They dropped these mines from the air on roads that refugees used to flee the fighting. The mines created a small enough explosion to blow off a person's foot. BIF distributed \$100,000 worth of protective shoes that would lessen the destructive force and the pain from stepping on the mine, and allow doctors to save the foot rather [than] amputating. Also, BIF immediately transferred medical supplies and equipment from our office in Pakistan to help the Chechens.

In late 1995, we opened an office in Baku, Azerbaijan for the two-fold purpose of helping the Muslims in Azerbaijan who were coming out of a bloody six year conflict with Armenia and to have a staging point to send money and supplies into Chechnya.

* * * * *

In the end of 1996, after the Russians had withdrawn from Chechnya, BIF was able to establish a physical office in Chechnya, in a suburb of Grozny called Tashkala. Two native Chechens were hired to run the office and the programs in Chechnya.

Id. BIF omitted the facts that the "\$100,000 worth of protective shoes" it purchased were expressly for the *mujahideen*, along with camouflage uniforms, medical equipment and money,

as discussed below.

On October 18, 1999, defendant Arnaout recounted the history of Chechnya to a BIF fundraiser, Uwaymir Anjum, describing Sheikh Fathi Mohamed (BIF's initial contact in Chechnya), among others. Around the time defendant Arnaout shared this history, Anjum was actively raising funds for BIF for use in Chechnya. *See* Ex. 182 (December 7, 1999 fundraising letter). Anjum memorialized defendant Arnaout's statements in a document titled "Daghestan and Chechnya: A Brief Recap of the Islamic Movement". Ex. 183 and 184 (electronic version and hard copy version). At the outset of his notes, Anjum wrote:

Enaam Arnaout, the CEO of the Benevolence International Foundation, a US-based humanitarian relief organization operating in the Caucus, Central Asia and Balkans, has made six trips to Daghestan/Chechnya area and has collected invaluable information on the history and details of the Islamic movement. Most of this information is collected through personal contacts and log (sic) term relationship (sic) with many key people in the movement.²⁶

Id. at 1.

With respect to Sheikh Fathi, Anjum recorded:

One greatly significant figure in the Islamic movement in Chechnya is *Sheikh Fathi* (a BIF friend who died recently while Enaam was there).... He is one of the most significant figures in the Islamic movement in Chechnya. By profession, he was an electronic engineer and helped the Afghan Jihad through his skills in electronics. He stayed in Afghanistan from 1982 to 1992 and then moved to Chechnya. Coming from Ikhwan-salafi background, he had a broad-based knowledge of Islamic movements.

Id. (emphasis in original). According to defendant Arnaout, as recorded by Anjum:

Sh. Fathi was initially with Ikhwan ["Brotherhood"] then he broke off to make his own group since he thought that Ikhwan were too narrow in their approach and more broad and daring approaches have to be adopted. Fathi started receiving Mujahideen, especially Arabs, from other Muslim countries.

²⁶ This example reinforces that defendant Arnaout was part of a longstanding agreement to provide support to *mujahideen* that simply expanded geographically over time but involved the same core set of participants and core goals.

Id. Defendant Arnaout continued:

At the time of his death, Sh. Fathi was busy in another great task: organizing and structuring his Islamic group. He died before completing the task of structuring his movement completely.

One of Sh. Fathi's legacies, probably the leader of the group after him, is *Arabi*, a Chechen student of Sheikh Fathi. He commands of a group of about 600 mujahideen situated in the capital to keep a watch on the president to ensure that the president does not blatantly violate Islamic principles.

Id.

In addition to Sheikh Fathi, defendant Arnaout described the following individuals:

Zdhokar Dudayev, a central figure in the Chechen jihad, was a nationalist initially who became Islamist in 1992 and fought till he died in 1995. He was an army commander.

In the opening years of the 1990s, the Islamic movement found itself strongest Tajikistan and then in Daghestan. Tajikistan, being poverty-stricken and away from the Russian center, was able to keep remnants of its Islamic identity. Daghnistanis had a similar advantage: many of them lived in the center of the Islamic world, Hijaz for a long time, preserving, however, their culture and language.

* * * * *

Saif-ul-Islam, the BIF officer in Chechnya, is an Egyptian lawyer who is very knowledgeable. He also came there through Sh. Fathi.

* * * * *

Shamil Basayev was another army commander who became surrounded by Sufis. . . . However, lately he was trained and Islamically educated by Khattab the leader of Arab Mujahideen.

* * * * *

Khattab is a Saudi mujahed who went to Afghanistan when he was 17, fought there till he moved to Tajikistan and later to Chechnya. He saved Chechnya from Russian onslaught during the last war by his great courage and is greatly respected by the Chechens. When the Russians had entered Chechnya and almost took over, he went at their back and attacked after carefully choosing the assault time and place such that the Russians were finally defeated.

Id. at 1-2.

The reference to Saif ul Islam is particularly significant as he was a top military leader in *al Qaeda*. Indeed, in 1997, Saif ul Islam was in telephonic contact from Baku, Azerbaijan, with

the *al Qaeda* cell in Nairobi, Kenya, headed by Wadih el Hage who was relaying messages between Saif ul Islam on the one hand and Muhammed Atef (then military commander of *al Qaeda*) and Bin Laden in Afghanistan on the other. Ex. 185.

On March 14, 2000, after he left BIF, Uwaymir Anjum wrote to a BIF employee involved in the Orphan Sponsorship Program:

As for Chechnya, it is almost certain that most of the orphans we are taking money for will not be found after war, and I still feel guilty for not disagreeing more strongly with the decision of continuing receiving the money. The money of the orphans is a great responsibility upon bif and we should do our best to either return the money or find the orphans.

Ex: 186.

2. X-Ray Machine and Anti-Mine Boots for Chechen Mujahideen

In the summer of 1995, defendant Arnaout, and others working with the BIF Enterprise, purchased and delivered a mobile x-ray machine and accessories expressly for use by the *mujahideen* fighting in Chechnya, along with \$3200. The delivery of the machine was documented in a detailed report by a BIF employee Syed Sarfaraz (or "Sarfarz") which recounts and his journey and also demonstrates BIF's continuing ties to *Hezb e Islami*. Ex. 187. Moreover, as the report reveals, Essa Abzoutov (or Abzoutove), a contact of the Chechen *mujahideen* in Baku, Azerbaijan, asked Sarfaraz on this visit about BIF procuring anti-mine boots for the *mujahideen*:

The above visit was made by the undersigned on behalf of Benevolence International Foundation and at the request of Mr. Suleman Ahmer, Operations Manager, B.I.F. North America/Pakistan.

* * * * *

Having failed on the first two attempts to send the X-Ray unit with other passengers bound for Baku (last minute refusal on the first occasion; cancellation of permission by Custom Authorities second time) no viable alternative was left except that I should carry

²⁷ One of these failed delivery efforts involved Asad Ullah, who, as discussed later in Sarfarz's report, delivered \$3200 to Essa Abzoutov, the person who ultimately received the

the unit.²⁷

* * * * *

The Unit (a photocopy attached) is made in Shanghai, China. With a brand name of Mednif, Model F-30III-2, this mobile unit has a net weight of 95 Kg.²⁸

* * * * *

Finally, got the unit through by assuring the authorities that it was meant for refugee camps of Azerbaijan."

* * * * *

Contacted Mr. Gul Mohammad, B.I.F.'s Baku contact who is also a senior representative of Hisb-e-Islami of Afghanistan in Azerbaijan.

* * * * *

Mr. Gul Mohammad (G.M.) picked me up at mid-day and made arrangements for my stay at his town office-cum-residence. Attempts were made by us to locate Mr. Essa Abzoutove, contact man of Chechen Logistics Cell in Baku. . . . Spent time reviewing status with G.M. and Dr. Atif Aminee, another senior member/office bearer of Hisb-e-Islami Group in Baku.

* * * * *

Accompanied G.M. . . . to the office of Mr. Khasan G. Khazutev, Vice Prime Minister of the Cabinet of Ministers of the Chechen Republic (See copy of his calling card, attached).²⁹ G.M. Explained to him the purpose of my visit and B.I.F.'s desire to provide financial and material support to the Chechen cause. Mr. Khazutev welcomed B.I.F.'s humanitarian help and assured to become an effective conduit to pass on the proposed aid, cash or kind, most expeditiously to the Mujahideen. After being convinced of our bona fides, he showed us two letters issued by the office of President Dzokhar Dudayev . . . which contained the names of the Chechen based in Baku and other cities of Azerbaijan who were designated to receive the donations in cash or kind. These letters were signed by President Dudayev himself G.M. appreciated our being taken into confidence but discreetly asked for a photocopy of the letters for B.I.F.'s purposes. Mr. Khazutev, as expected, said it could be considered later.

* * * * *

x-ray machine. In a May 19, 1995, memorandum from Ahmer to "Brother Essa," Ahmer stated: "the X-Ray machine is arriving on Sunday (21-May-1995). The name of the brother who is bringing the machine is Asad Ullah Khan." Ex. 188. That same day, BIF employee Muzaffar Khan prepared a memorandum to "Sister Umme Mohammad" stating that Asad Ullah Khan is traveling on Pakistan International Airlines ("PIA") on May 21, 1995 with an x-ray machine, asking her to convey that to Abzoutov and to have Abzoutov call Gul Mohammad. Ex. 189.

²⁸ A photocopy of the front page of a brochure or instruction manual was recovered at BIF's Illinois office. Ex. 190.

²⁹ Khasan G. Khazutev's business card was recovered from BIF's Illinois office. See Ex. 194.

G.M. came to meet me along with Essa and his fellow Mujahid Buda? Essa was visibly moved by B.I.F.'s help by sending the much needed X-Ray machine. Following some discussions, Essa took the unit and gave a proper receipt for it. He indicated that as soon as a viable route/transport is arranged, the unit would be taken to a field hospital in Southern Chechnya. He also acknowledged the receipt of amount given by G.M. (\$3225/- sent through Mr. Asad Ullah and the amount paid to him earlier on by G.M.)³⁰ G.M. said he would Fax to Suleman Ahmer the receipt of these amounts. The receipt of the unit is also-enclosed.

* * * * *

Essa also showed interest in anti-mine steel-sole boots for Chechen fighters. He also added that he could arrange funds to purchase these from USA or other sources at a reasonable price.

* * * * *

It appears that Suleman Ahmer is making some inquiries about the manufacture/supply of such boots.

* * * * *

Visited the main office of Hizb-e-Islami with G.M. and Dr. Atif and I was introduced to Mr. Abdur Rehman, General Manager These two oversee administrative functions whereas G.M. and Dr. Atif are responsible for external affairs and for coordination with Government Agencies /foreign functionaries etc. Hisb's official lauded B.I.F.'s efforts to help the Chechen's cause and indicated their cooperation in facilitating such efforts in Baku.

* * * * *

Met couple of Hisb's Mujahideen. Exchanged views on latest situation; role of B.I.F. in distress areas like Bosnia, Sudan and now Chechnya etc.

* * * * *

Met G.M., Dr. Atif and visiting official from Hisb's Peshawar. . . . G.M. briefed him on B.I.F.'s contribution, financial and material, to the Chechen Mujahideen and a desire for continuing support on humanitarian grounds.

* * * * *

Met, at G.M.'s house, five veteran Afghan Mujahideen who participated in Nagorno Karabakh conflict against the Armenians. G.M. apprised them of B.I.F.'s humanitarian efforts in Chechnya.

³⁰ The \$3200 sent to Abzoutov was discussed in a May 14, 1995 facsimile from Ahmer to Fathi Mohammed (also referred to as Sheikh Fathi, discussed *infra*.) via "Brother Essa," stating: "I hope you have received all the money from Gul Mohammad" and "I am also sending an X-ray machine for the Vidino Hospital." Ex. 191. That note followed a May 2, 1995 handwritten note from Ahmer to defendant Arnaout requesting that defendant Arnaout transfer money to a man in Peshawar, Pakistan and say it is for Gul Mohammed in Baku, Azerbaijan. Ex. 192.

* * * * *

G.M. therefore concluded that any aid from us in cash or kind should better be routed through Essa or any other tried and/or trusted Chechen who is deeply committed to the cause and has active field participation in the ongoing Jihad.

* * * * *

Accompanied Hamine Aminee to meet a recuperating Afghan mujahid. He was injured last year in the Nagorno Karabakh conflict with the Armenians. Until recently all of his compensation - from the Azerbaijan government has been exhausted. . . . I would recommend some help on continuing basis from B.I.F. to him.

Id. In listing the accomplishments of this trip, Sarafraz wrote:

Various meetings with senior members of the Baku based Hisb-e-Islami Group of Afghanistan and receiving their personal attention, at respective levels, to meet our visit objectives. . . . A close rapport with Hisb's senior officials which would facilitate our future efforts in the area, As a sequel to Suleman Ahmer's last Baku-Chechnya visit (April 20-May 10), the Chechens/Hisb-e-Islami are reassured of the seriousness of B.I.F. to help Chechens following our financial and material (X-Ray unit) assistance. . . . [W]inning a good-will for B.I.F. and enhancing its visibility as an International Organization engaged in alleviating the human sufferings in selective flash points involving oppressed and helpless Muslim civilians, refugees and freedom fighters.

Id.

A handwritten telephone list recovered from BIF's Illinois office lists numbers for *Hezb e Islami* personnel in Baku, Azerbaijan and "Essa Abzoutov, Chechen Contact in Baku." Ex. 193.

As Sarfaraz noted in his report, Essa Abzoutov provided a signed receipt for the delivery of the x-ray machine and money. Ex. 194. The receipt states that the Mednif x-ray machine Sarfaraz described was "[r]eceived with thanks from Benevolence International Foundation, P.O. Box, 548, Worth, Illinois, USA, 60482". *Id.* The receipt makes clear: "As arranged this unit will be transported to Chechnya for the use of Chechen Mujahideen." *Id.* The receipt is signed by Abzoutov, Sarfaraz, and Gul Mohammed who Sarfaraz explained worked for both BIF and *Hezb*

³¹ In late 2000 and early 2001, BIF spent over \$75,000 for the purchase of chemical handwarmers and toewarmers (small disposable packets which when shaken heat up for a period of hours and can be inserted in gloves or boots, commonly used for skiing, hunting and fishing in

e Islami in Baku, Azerbaijan.³¹ *Id.*

Materials going to Chechnya often passed through Azerbaijan, much like materials going to Afghanistan during its conflict with the Soviet Union often passed through Pakistan.³² In fact, a BIF memorandum shows that BIF established an office in Azerbaijan to facilitate its efforts in Chechnya:

[T]his office will serve as a conduit of relief supplies to Chechnya. Our study has proved that the best way to get relief supplies into Chechnya is through Azerbaijan.

* * * *

BIF will be transporting relief supplies to Chechnya in the first phase. These will include shoes, canned food, sleeping bags, medicine and medical equipment. To this date a mobile x-ray unit was bought and transported to Azerbaijan with Mr. Sarfarz for onward transportation to Southern Chechnya.

Ex. 196.

Within weeks of the delivery of the x-ray machine (or perhaps prior to the delivery), defendant Arnaout inquired about the anti-mine boots Abzoutov requested. A facsimile on July 5, 1995, from the Al-Aman Trading Company ("Al-Aman) to "Mr. Azeem/Sarfaraz" containing a note written to defendant Arnaout and a sketch of a boot states:

Honorable Brother Abu Mahmoud . . . I have just received the offer, and according to your request, shoes having these specifications are not readily available and they must be made. The least quantity is 20-foot shipping container. The container holds 2900 shoes (pairs) . . . The cost, receivable to Dubai, with insurance is 31 Dollars.

Ex. 197. Defendant Arnaout later shared Al-Aman's telephone and facsimile numbers with an individual in the course of discussions of opening a BIF office in Thailand. Ex. 198.

Two days after the Al-Aman facsimile to defendant Arnaout, Syed Sarfaraz sent a

cold weather). In a letter to the distributor, BIF requested that the warmers be shipped to Essa Abzoutov at an address in Turkey. Ex. 195 at 2. After problems arose in Turkey with the delivery, BIF changed the name of the recipient and the delivery was completed.

³² And the continuing agreement is made clear by the fact that defendant Arnaout and LBI worked with *Hezb e Islami* in Afghanistan and that Arnaout and BIF worked with *Hezb e Islami* in Afghanistan and then Arnaout and BIF with *Hezb e Islami* again in Chechnya.

facsimile to Suleman Ahmer containing the same boot sketch and advising Ahmer that Al-Aman quoted \$31 per pair. Ex. 199. Sarfaraz added: "The only alternative now is to go for the Pak boots which will be fully financed by the time tested Brother."

Approximately one month later, on August 8, 1995, BIF employee Muzaffar Khan wrote a memorandum about the boots to Jehanzeb Sikandar (sometimes spelled "Sikander"), a trusted BIF officer in its Baku, Azerbaijan office (discussed further below), informing him that defendant Arnaout ordered the boots and seeking advice on the best way to get the boots into Azerbaijan:

Enaam called me and said that we are going to ship about 2900 pairs of shoes for Chechnya in next 15-20 days. The shipment will arrive in Baku, Azerbaijan. We are declaring the shipment as a business shipment.

* * * * *

What is the Custom's process for the business shipments? Or is it a good idea to ship the goods in some other name? He suggested that you should consult the Chechen representative in Baku for the best means available to ship the shoes safely and without any problems.

But be careful in discussing the matter with anybody. As you are well aware of the importance of the matter.

The shipment will come through Iran (Abadan) into Baku.

Ex. 200.

A month later, on September 6, 1995, defendant Arnaout met with Sarfaraz in Pakistan to discuss the anti-mine boots, as Sarfaraz chronicled in a report a day after the meeting:

This refers to an introductory meeting with br. Inam, Director, BIF and myself on Sep. 6, 1995 at Hotel Sheraton, Karachi.

* * * * *

Discussed latest situation regarding donations for the import of the anti-mine boots for the Chechen Mujahideen. I will try to set up an appointment with Mr. Naveed Anwer, a donor who has committed US \$30,000/= for this noble cause. I strongly feel that br. Inam should meet with him (Suleman also recommended earlier).

Ex. 201 (handwritten version). The report also explains that defendant Arnaout and Sarfaraz discussed BIF's merger with a group known as Nasr Trust. *Id.* Sarfaraz sent this report to

defendant Arnaout and apologized because it had not yet been typed: "I could not even get my memorandum of meeting with you typed. I should have given it to you on the day you were leaving. Anyway I am enclosing it now and cannot wait for a day or two to get it typed." *Id.* Eventually, Sarafraz sent a typed report. Ex. 202.

Around this same time in September 1995, Sikandar informed defendant Arnaout by fax that Gul Mohammed wanted defendant Arnaout to know that Hekmatyar is in Peshawar for three days and defendant Arnaout can meet with him. Ex. 203.

BIF purchased the 2900 pairs of anti-mine boots in October 1995. In a letter to "Br. Ahmed, Al-Aman Trading Company" from BIF employee Muzaffar Khan on Oct. 10, 1995 regarding "Money transfer and original documents," Khan stated to Al-Aman: "You should have received the wire by now, Insha' Allah.³³ Please send us all the original documents to our office in Chicago as per your conversation with Enaam Arnaout." Ex. 204. BIF maintained at its Illinois office a facsimile copy of a Citibank transfer receipt for \$100,000 from BIF to Al-Aman on Oct. 11, 1995. Ex. 205.

BIF received an invoice from Al-Aman on October 31, 1995, stating:
HUNTING BOOTS PACKED IN 20 PRSX145-CARTON BOX... SIZE: NO.9 1160
PRS; NO. 10 1160 PRS; NO. 11 580 PRS... MADE IN KOREA... Total US
DOLLAR EIGHTY NINE THOUSAND NINE HUNDRED ONLY. 89,900.00

Ex. 206 at 4. BIF also received a bill of lading from Iranland Services Shipping Agency, Tehran, Iran, dated November 1, 1995, and the shipment was insured by another company. Ex. 207. The bill of lading is for a shipment of "145 CTNS OF HUNTING BOOTS" from Dubai, United Arab Emirates ("U.A.E.") to Bandar Abbas, Iran, stating "TRANSIT VIA IRAN T BAKU". *Id.* Notably, BIF's name does not appear on the bill of lading.

The absence of BIF's name on the bill of lading was discussed five days later in a

³³ "Insha' Allah" or *inshallah* means "God willing."

memorandum from defendant Arnaout to Sikandar, BIF's representative in Baku:

The shoe shipment has left from port Bandar Abbas for Baku on 11/5/95. The bill of ladings and the related invoices have been sent to you from Dubai. The DHL airway bill number is 3035075956, you should contact the local DHL office to get the paper work. The important thing is that the shipment is not in BIF's name for some reasons. . . . We are transferring another \$20,000.00 to you today.

Ex. 208. Sikandar repeated these concerns to defendant Arnaout in an e-mail to on May 25, 1996:

It's possible to meet Dr. Abdallah in Moscow, but it's not good to meet him there, otherwise (the others) will know his direction (the Brothers who will meet him are known by their face that they are from inside)³⁴ . . . To transfer money here will put us under the questions, how and where spend it like the shoes.

Ex. 209.

Also in November 1995, BIF was raising money from donors for these shoes. Ahmer himself was giving speeches in various areas in the United States about the war in Chechnya and soliciting donations "for the Chechen cause." *See* Ex. 210 (noting that Ahmer's speech on the war in Chechnya "will conclude with a fundraiser for the Chechen cause"); *see also* Ex. 211 ("Example of Speech on Chechnya": "We are raising funds for the shoes only, and so focus your attention on this project" and noting that the "shoes" cost "\$32 each").

On July 17, 1996, approximately eight months after the shipment of the 2900 pairs of anti-mine boots, Muzaffar Khan received an e-mail from an employee in BIF's Zenica, Bosnia-Herzegovina office stating: "Also he [Gul Mohammad] received request from Sheik in Chechnya asking for another 2500 shoes. Please consult it with Suleyman and let me know about it." Ex. 212. Less than a month later, the "Congress of Chechen International

³⁴ During the conflict between Afghanistan and the Soviet Union, individuals in Pakistan and elsewhere commonly referred to Afghanistan as the "inside." Likewise, during the conflict between Chechnya and Russia, individuals in Azerbaijan and elsewhere referred to Chechnya as the "inside."

Organizations" in Washington D.C. sent a letter to BIF's Board of Directors stating: "[T]he (2500) pairs of shoes that were sent to Chechnya have been very helpful. Shaikh Fathi talked to me about three weeks ago and asked if you could send another (5000) pairs because they are badly needed especially for the coming winter." Ex. 213.

BIF made efforts to finance the purchase an additional 6000 pairs of boots following this request, seeking donations from the public and indicating that these boots and the ones previously shipped were for civilian use. In a letter titled "Project: Reinforced Winter Shoes for Chechnya", BIF discussed the dangers of "frog mines" dropped by the Russians in Chechnya and explained:

[A]nd the civilians attempt to flee, they fall victim to these mines.

* * * * *

Last year BIF, distributed 2,900 pairs to the localities where the mines are reported to be scattered. These winter shoes provide a degree of protection as they have reinforced soles.

* * * * *

Recently BIF has received another request for these shoes for this upcoming winter. BIF has decided to go ahead with this project.

* * * * *

The cost of the shoes is \$29.50 per pair. Including the shipment, the cost per pair is \$32.00 per pair. The minimum quantity that has to be ordered from the company is 30[illeg.]. That brings the total cost plus shipping into Chechnya to be;

Total cost of the project: $3,000 \times 32.00 = \$96,000$

* * * * *

BIF will be receiving a sample of the shoe from South Korea in the first week of September.

Ex. 214. In a follow-up letter titled "Project update: Reinforced Winter Shoes for Chechnya" on September 8, 1996, BIF stated:

Salient Features – No. pairs needed: 6,000; Cost per pair: \$32.00; Total cost: \$192,000; Funds raised: \$106,149; Funds remaining: \$85,851

* * * * *

In the end of July BIF received another request for these shoes for this upcoming winter. A minimum of 5,000 pairs were requested. BIF has decided to go ahead with this project.

* * * * *

Fundraising was started in early August and the target was set for 3000 pairs by the 10th of September. . . . It was decided to monitor the response and in the case of a favorable response BIF will go ahead with 6,000 pairs and the project will be done in two batches. . . . The net cost for the whole project is \$192,000.

* * * * *

All donations to B[illeg.] tax exempt. Please make the check out to BIF and mail it to BIF, P.O. Box 548, Worth, IL [illeg.] and indicate in the memo "Winter Shoes for Chechnya."

* * * * *

Remember, currently the shoes that were shipped last year are being used and positively affecting thousands of people (2,900 at least). Please join hands with us to continue the much needed assistance being provided to our brothers and sisters in Chechnya.

Ex. 215.

In a related flyer, BIF stated:

URGENT! REINFORCED WINTER SHOES URGENTLY NEEDED FOR CHECHNYA

* * * * *

Unfortunately, the mines don't discriminate between innocent women, children, and the army and continue to be a menace even after the war is over!

Ex. 216. Another BIF flyer asked: "The Chechens have given 150,000 Lives for Islam . . . How much will you give?" Ex. 217 (ellipsis in original).

In response to BIF's solicitations, donors sent money for the "shoes" without knowing that they were only for fighters. For example, on September 9, 1996, an Iowa donor sent \$500 "for the 'reinforced shoes' drive for Chechnya." Exs. 218 (letter, receipt, check and postmarked envelope) and 219 (receipt); *see also* Ex. 220 (letter to same Iowa donor from BIF regarding orphan sponsorship in Feb. 1996).

A BIF form letter from defendant Arnaout ensured donors that the "reinforced shoes" were for civilian use:

Assalamualaikum dear brother «NAME»: Thank you for your generous donation toward the purchase of reinforced winter shoes for Chechnya. May Allah reward you in the fullest.

Last year BIF shipped over two thousand pairs to the region. The shoes were found useful and BIF is doing the same project again this year on the request of the people of Chechnya.

Insha'Allah, these shoes with a reinforced sole, will go a long way towards minimizing the damage that land mines are causing to the civilian population in Chechnya.

Ex. 221 (emphasis in original).

Indeed, at this same time, Ahmer continued his fundraising speeches for Chechnya. Ex. 222 (flyer advertising a November 1996 Speech by Ahmer titled "The struggle for the freedom of the Chechens!"). In a later speech delivered to a group in Urbana-Champaign, Illinois, Ahmer solicited donations which he said would be used for anti-mine boots for Chechen freedom fighters. Ahmer explained at the presentation that BIF provides items to fighters that could be viewed as relief items in order to avoid scrutiny by Customs officials. He cited an x-ray machine and ambulance as items purchased for the Chechen freedom fighters.³⁵

BIF's records indicate that it did not deliver the anti-mine boots "for the upcoming winter" as requested. Instead, in late 1996 or early 1997, BIF apparently shifted its efforts from anti-mine boots to non-reinforced footwear for soldiers in Chechnya, as well as uniforms for the soldiers. BIF's January 1, 1997 "Strategic Plan for Chechnya - Proposal of Projects" stated: "In addition, further request came in for the winter boots. However, it was necessary that the quality of the shoes be investigated and improved upon for the next shipment." Ex. 223. The report continued: "Regarding the shoes, it was found out that the land mines were no longer a threat, hence the metal shoes do not need to be included. This will result in lower cost, and hence a larger amount of shoes to be bought." *Id.* In listing proposed future projects, the report includes: More shoes. The quantity requested is 10,000. Due to the changing cost of shoes, we can buy upto (sic) 8,000 pairs with the money already raised, therefore needing funds for additional 2,000 pairs. In addition, same number of uniforms and shirts were requested. These can be purchases in Korea because [rest of report not recovered].

Id.

Between April 17 and 25, 1997, BIF paid Al Aman an additional \$200,000, as Al Aman

³⁵ In Afghanistan, fighters were transported to camps by ambulances on occasion.

noted in a receipt faxed to defendant Arnaout. Ex. 224.

3. Camouflage Uniforms for Chechen Mujahideen

Following the request for 10,000 "uniforms and shirts" described in the January 1, 1997 "Strategic Plan for Chechnya," defendant Arnaout made efforts to provide camouflage uniforms to the Chechen *mujahideen*. Defendant Arnaout visited Chechnya in 1997, as described in a report by Suleman Ahmer. In that report, Ahmer explained:

The factory will produce uniform for the army and needs supply of cloth. Initial requirement is for 14,000 meters of quality grade camouflage cloth. . . . A tentative business plan has been made between this factory and Lilian a business concern of BIF in Bosnia³⁶ Military Shoes for Chechnya. There is a need of high grade shoes for the region. Market research has shown that shoes with the required specifications can be bought for around \$35.00 a pair including transportation from South Korea.

Ex. 225.

Sometime prior to August 10, 1997, defendant Arnaout gave Ahmer a sample uniform. On August 10, Ahmer wrote to defendant Arnaout (sent via Muzaffar Khan):

I have spent almost two days along with brother Naveed Anwar³⁷ researching about the uniform and we have talked to some factories here who produce these for export to europe (sic) etc. Here are the results:

The uniform which you have given to me are of a very good quality and they take more than just cloth. The cloth is available in Pakistan but the uniform need a lot of accessories. If we want good quality stuff to be manufactured then we shall have to send all the accessories with them to the destination. For example the buttons are special quality reinforced type and have to be ordered from Honk (sic) Kong. Similarly the Zippers are also special strong ones etc. Similarly the thread that should be used is also special and is stronger than the normal thread. Here is a list of other items that have to be included:

Camouflage fabric, Lining fabric (Different quality), Front metallic zipper, Collar Zipper, Horn Buttons, vel-crow, snap buttons, Draw strings, Nylon tape, Knitted nylon jersey for

³⁶ This is a reference to Ljiljan Commerce Group, the entity which sponsored the visit of Abu Hajar (Salim) to Bosnia discussed above.

³⁷ This is the individual who committed \$30,000 for anti-mine boots for Chechnya.

the head cover, Twill tape, and buckle at waist band.

All of the above would be available from different suppliers and should be purchased by experts so that the quality is assured. Usually a garment trader would do it with a 20 to 25 % mark up as I have found out here. Which means that the trader would get you all the stuff and would guarantee the quality and deliver it to you.

So if you would like a quotation please keep all of the above in mind.

You had said that we would need around 14,000 meters and we have calculated that would produce around 300 dozen uniforms depending upon the sizes.

We calculated roughly and it would take Naveed Anwar's factory US \$18.83 to produce one set in Pakistan and we calculated this so that you can get an idea. The material alone would be around US \$16.00.

I have talked to Naveed Anwar and he said that he can get his factory to purchase the material at 10% mark up and the rest would be considered as donation. (Remember the industry average of a mark up is 20 to 25 %)

when you take a quotation from others make sure that you get all the specifications of all the material so that we can correctly compare.

If we have to do this project we should make sure that we make the best quality uniforms. And inshallah in the future we can hope that the garment factory can get more orders.

To prepare a quotation is a very time consuming process and I do not want Naveed Anwar to go ahead and do all that work if we are not very serious.

Ex. 226 at 1-2.

One month later, Ahmer explained to defendant Arnaout his frustration on certain projects and noted that they cannot expect information to be hidden from donors:

One thing I want to stress at this time is the update on the shoes project. . . . It happened in Pakistan that brother Naveed Anwar (One of our major donor) introduced me to some people and told them that we have sent two shipments to Chechnya. I was embarrassed as this was not true[.]

* * * * *

In the US we can not expect information to be kept hidden. . . . (Already we are having a problem with some brothers in Massachusetts who are saying that we are giving false information in our newsletters – They picked up the point that in our financial report how come we have only \$15,000 per year in salaries when we have more than three

employees.

* * * * *

What about the 1000 shoes that we had decided to send? What is the decision about the uniforms?

Ex. 227.

Seventeen days later, on September 27, 1997, Ahmer wrote to defendant Arnaout: May Allah reward you for taking care of the Chechnya dress. The reason I would like to have the samples is that we have 7 or 8 people who have either donated directly or raised around \$80,000 for the shoes. If I can have say two samples of just the jacket, pants and the shoe, I can meet with them privately and try to raise the same amount of money again. . . . For example, the brother in Orlando had given 10,000 cash for the shoes (You know who) and he had done that privately. I would like to visit him again privately, show the samples and raise funds for the other projects. Similarly the brother in Massachusetts who had given \$25,000.00 should be visited.

* * * * *

Also send me the price details of the dress so that I can tell Brother Naveed Anwar that we would not be getting the dress in Pakistan. I do not want him to feel that we just neglected his offer of help. Also I would like to, may be, ask him to pay some amount too.

Ex. 228.

A memorandum discussing a shipment to Chechnya demonstrates that BIF intended to keep details about the uniforms from its donors: "According to the request of the locals we found that they need uniforms (in the newsletter we would say only pants and shirts) thermal underwears and jackets with the shoes." Ex. 229 (parentheses in original). The memorandum lists the "contents of the shipment" to Chechnya as shoes, "top quality" thermal underwear, belts, woolen socks, material for 3000 pants, shirts and jackets including "the cloth, the lining, the zippers, buttons etc." costing a total of \$100,553. The memorandum adds: "Guess what: the dress and the jackets will be stitched in the factory. This will save money and provide the

³⁸ In a written "History of BIF in Chechnya," which omits all of BIF's support of the *mujahideen*, BIF explains: "In July of 1997, BIF opened a sewing factory in Shelkovskaya, 40 km northeast of Grozny. This factory was opened for two reasons. First, it provided career

income to the Chechens."³⁸ *Id.* The memorandum also discusses the difficulty in getting medicine out of Russia, explaining that if they cannot get the medicine out "we may think about disposing it properly and using the revenue in Chechnya (Again this is not for the newsletter)" *Id.* (parentheses in original). A copy of this memorandum, recovered in electronic format from BIF in Illinois, adds: "We have struck a relationship between a Chechen company called Al Badr (Of course set up by the brothers affiliated with Sheikh Fathi). This company has received 48 [sewing] machines as a donation." Ex. 230.

4. WWW.QOOAZ.COM

In its Illinois office, BIF had a copy of "A Call to All Muslims" from "The Commanders of the Mujahideen in Chechnya," dated February 22, 2000. Ex. 231. On the bottom of BIF's copy is written "WWW.QoQaz.Com," apparently the source of the document. *Id.* In discussing the fighting in Chechnya, the *mujahideen* commanders ask: "And today thousands of your fellow Muslims are being killed, yet where is your support for us?" *Id.*

BIF also had an "Update on Chechnya Fighting" which "was compiled from the web site www.qoqaz.com." Ex. 232. This document describes Russian aggression against Chechens and disputes reports about Russia providing humanitarian assistance in Chechnya. *Id.*

In early 2000, www.qoqaz.net, also dedicated to the cause of Chechen *mujahideen*, identified the leaders of the military fight in Chechnya as including Ibn al Khattab (discussed above as the leader to whom *al Qaeda* was sending support in Chechnya) and included pictures of *mujahideen* training as well as killed *mujahideen*. Ex. 233. The website sought doctors to travel to Chechnya to make contact with Ibn al Khattab and provide medical services at the front. *Id.* The same website urged those wishing to go Chechnya to fight to get training in Afghanistan,

experience and income to women in the area, and the Islamic style of clothing that was made in the factory was distributed in some of the more hard hit areas of the country."

adding:

Anyone interested in going to fight (if they are trained) or in going to train should contact members of their own communities and countries who are known to have been for Jihad. You will know these people and they will know you. In these cases, you should only speak in confidence to those whom you trust, rather than speaking to everyone.

* * * * *

To see what the Mujahideen in Chechnya need at present, read the answers below.

Id.

The website urged doctors and medical supplies to "make their way to Chechnya through the aid organizations and join the fighting units of Ibn al Khattab." *Id.* The website also condemned America for its alleged secret financial support for the Russians fighting in Chechnya and elsewhere on the site indicated that "on the other hand, as for those fighting the Muslims and those who support this fight with money, words or actions, the Muslims consider them all as enemies and in the same group." *Id.* The website also indicated that the news reports on its site were received from correspondents traveling with the fighting units of Ibn al Khattab and that the reports were checked by "Field Commander Khattab" before being posted on the site. *Id.* The website also indicated that large news organizations desiring to interview Khattab (or a Chechen military leader with whom he worked) could e-mail questions to the site "and we can try without promising to have those questions answered by them." *Id.*

On February 22, 2000, the website posted donations links on the website for two charities, one of which was BIF. *Id.* Records obtained from Citibank reveal that in the four month period from January 4, 2000, to April 11, 2000, BIF sent nineteen wire transfers from its checking account, number 980110435, in the amount of \$685,560, to the bank accounts of the "Georgian Relief Association MADLEE" ("MADLEE") in Tbilisi, Georgia and BIF's accounts in Baku, Azerbaijan; Moscow, Russia; and Riga, Latvia. MADLEE's director is Marat Avlarigov, whose brother, Chamsoudin Avlarigov, is affiliated with the Chechen *mujahideen*.

K. BIF's Efforts in Azerbaijan

As stated above, in 1995, BIF opened an office in Baku, Azerbaijan (Ex. 234) to assist Muslims in Azerbaijan and to have a staging point to send money and supplies into Chechnya.

In August 1995, Sikandar completed his detailed "Strategic Plan for BIF in Azerbaijan." Ex. 235. At the outset, Sikandar provided historical and geographical information on Azerbaijan. *Id.* at 2-8. Sikandar then describes BIF's plans in Azerbaijan, stating: "Since it is a non-war zone our projects should have longerterm (sic) strategic outlook for the region; keeping well in mind our organizations (sic) motivations, objectives and organizational mechanics." *Id.* at 9. Sikandar made clear his understanding that BIF's motivations and objectives in Azerbaijan involve BIF's private mission of dawah rather than its public mission of providing humanitarian aid where needed:³⁹

Although in short term Azerbaijan is in need of emergency food aid however, it is not advised for BIF to enter this sector. There are already a number (sic) of organizations are concentrting (sic) in this area. For BIf (sic) this is also inappropriate because of differing objectives in the region. We want to establish (sic) an institutional presence of Islam in the region and this area does not provide us the best of opportunities.

Id. Instead of providing needed food aid, Sikandar recommended that BIF get involved in health care in Azerbaijan "[t]o help the Azerbaijan war injured population and to estabilsh (sic) a base for BIF activities in the region." Sikandar continued:

Summary:

The conflict with Armenia has had and continues to have a heavy toll on the people and government of the Azerbaijan Republic. The wars (sic) military aspect is very much at the fore front of government's agenda. Any kind of help that would help the Azerbaijan government with its defence preparations is very much wellcome (sic). There is a lack of established surgery centre and those that are donot (sic) have supplies or equipment.

Id. In listing the assistance BIF can provide in education, Sikandar wrote: "This region for sure

³⁹ As will be clear at trial, defendant Arnaout was frugal at times with the amount of information he shared with other employees, particularly in writing.

has all the potential of once again becoming the cradle of Islamic learning and Jihad." *Id.*

L. BIF's Efforts in Tajikistan

In the early or mid-1990s, BIF began working in Republic of Tajikistan, a small, predominantly Muslim country situated on Afghanistan's northern border,

In an "Update: The Tajik Refugees in Afghanistan," BIF summarized the plight of Tajikistan refugees, its humanitarian work with these refugees, and stating it was "[s]etting up plans for establishing clinics in the fronts to support the Mujahideen directly in Tajikistan." Ex. 236.

In 1998, BIF opened an office in Tajikistan, and defendant Arnaout set up its "administrative structure." Ex. 237 at 23. A letter on February 20, 1998 containing instructions to the individual who was opening the office listed as a goal: "Assisting the injured soldiers. . . . Please set up a system in which these soldiers can get the money that has been promised to them every month." Ex. 238.

In Suleman Ahmer's October 1998 "Tajikistan Report," he writes: "There is no way we can make dawah openly with planning and strategy as we had initially thought. . . . So our course now is only to do relief work in Tajikistan and have patience." Ex. 237 at 22. In "The New Tajik Initiative," Ahmer explained:

The war and the sufferings are fresh in people's minds. We have thousands of orphans who would take up the struggle and the cause. . . . In a few years these children of war would have grown old and it would be very difficult to influence them. If the war doesn't break out again, the wounds of the surrounding society would heal soon. In conclusion, now is the time to work, to move, to act: not next week, not tomorrow and not even today. Now!

Id. at 53.

BIF had an "Orphan Rehab Project" in Tajikistan, which Ahmer described as "building the homes of the orphans we sponsor." *Id.* at 45. Despite his description, not all funds in this program went to orphans' homes. Some of it went to BIF employees, as Ahmer explained: "There are two officers whose houses are destroyed; one is Daulat Beg and one is Mustufa (sic).

The budget for both of their homes in (sic) included in the projects Orphan rehabilitation project." *Id.* at 17. At the time, Beg was married with three children, while Mustafa is married with one child. *Id.* at 16-17.

Ahmer noted in his Tajikistan Report that BIF donors had been (or would be) informed that 10% of the money they contributed to BIF's orphan sponsorship program would be used for administrative expenses, with the remainder going to the orphans. *Id.* at 89. An electronic mail on January 3, 1999 from Ahmer to defendant Arnaout, preserved in hard copy form at BIF's Illinois offices, reveals that far less than 90% of contributions for orphans actually went to orphans, unbeknownst to donors. Ex. 239 at 4. In response to a suggestion from defendant Arnaout that they "recede" the percentage for new donors and that new donors be informed by letter that "most of [the donation] went to the child in cash and some of its was spent on the orphans program" (apparently meaning administrative expenses), Ahmer wrote:

We have discussed this many times before and inshallah let me discuss this again. I know we have not delivered the whole amount to the orphans and this is the big mistake we have made. If you notice in the letter we are not saying that the whole amount was delivered but we are saying that the whole amount is reserved for the child. The reasons we can't tell them that we took some amount from the orphan's money are as follows:

First, how can we tell them that we took money from the amount when for the last four years when people were asking and calling we were telling them that all of the money is for the child. This is what we told thousands of Muslims in our presentations (this is what I told the brothers last night). This is what was sent written in letters. So now if we make the mistake of writing this they will ask as to how come we were saying something and doing something else. This is the whole reason that I will be working on correcting and finding out how much money is due to the orphans and delivering it. Like I told you in my meeting with you before, the taking of the money of the orphans without the permission of the sponsors is a big haram [meaning forbidden] and we need to correct this now. Whether we took \$100,000 or \$1.00 and I don't agree (absolutely not) with what Brother Adil taught you (may Allah forgive him). So we should write that we have reserved this amount for the children which is true as we shall now deliver the remaining money to them inshallah. You have written above that we should write that most of the money was delivered to the child which is incorrect. For some of the orphans who were sponsored in Tajikistan we were collecting \$25 and giving only \$6.00 to the children. (This was going on in Kunduz) so now 6 out of 25 is not the most by any account. To say that for all the children the most of the money from the sponsor was given is false.

Id. at 5. Despite Ahmer claiming that he wanted to correct the shortage of payments to orphans, BIF's records indicate that BIF did not send another wire transfer to Tajikistan for ten months.

M. BIF's Matching Gift Program

As explained in the Indictment, BIF had a "matching gift program" with which it encouraged donors to solicit their employers to match individual donations. The matching gift program is explained in BIF's "Double the Donation" memorandum. Ex. 240. In explaining how the program works, the memorandum states: "In actual fact BIF has long received direct employee donations as well as matching gifts from many firms including Microsoft, UBS, and Compaq in Houston, TX." *Id.*

BIF also prepared for its employees a memorandum titled "Precautions Facing the Matching-Gifts Program." Ex. 241. The memorandum notes: "The company may ask for certain information from B.I.F. Usually, the 501c (tax exempt) letter that is in the folder. ***Please make sure to read the application carefully and give them, only what they ask for." *Id.* (emphasis in original). The memorandum further instructs: "CONFIDENTIALITY IS KEY TO THIS PROGRAM. Answer questions in a general way, but be careful not to give away specifics. ie: the procedures we follow to get back with donors and the companies." *Id.* (emphasis in original). Given the massive fraud BIF was perpetrating upon unknowing donors, it was essential to the success of the scheme that BIF employees be evasive in dealing with inquisitive corporate donors.

N. Fundraising by Yusuf Ansari Wells

BIF records reveal that its fundraiser Yusuf Ansari Wells openly solicited donations to support *jihad* efforts from various donors. A January 3, 2000 letter to Wells accompanying a money order thanks him for a particular presentation and indicates that the donation is for "our brother fighting for the sake of Allah" and stating "may Allah continue to help the mujahideen." Ex. 242. A report Wells provided to another BIF employee on May 8, 2001 described an April fundraising trip Wells made to Eastern states on BIF's behalf. Ex. 243. Wells's entry for April 9, 2001, discusses a lecture he gave and describes as the main point of his lecture: "That the Taliban are not the bad guys that everybody says they are. And that they have done much good

for the establishment of order in the country." *Id.* at 3. The entry for April 15, 2001 discusses Wells's participation in paintball "training" with an elite group and Wells's lecture afterward: "I also stressed the idea of being balanced. That we should not just be jihadis and perfect our fighting skills, but we should also work to perfect our character and strengthen our knowledge of Islam. I also said that Muslims are not just book reading cowards either, and that they should be commended for forming such a group." *Id.* at 4-5.

O. Defendant Arnaout's False Declarations and Continuing Fraud

On December 14, 2001, the Federal Bureau of Investigation searched BIF's Illinois office (recovering most of the documents cited above) and the Department of the Treasury blocked BIF's domestic bank accounts pending its investigation of BIF.

Following the search and blocking action, BIF, under defendant Arnaout's control, filed in this District a lawsuit against various government officials. The case was assigned to Judge James H. Alesia.

On March 26, 2002, BIF filed a Motion for Preliminary Injunction seeking the immediate return of its blocked funds and other relief so that it could immediately continue its operation. In support of its Motion for Preliminary Injunction, defendant Arnaout submitted to the court a declaration he executed on March 22, 2002 under penalty of perjury falsely stating:

BIF is required to maintain the donations of *zakat* in a non-interest bearing account and to use those funds only to assist the poor and needy. BIF abides strictly by those requirements.

* * * * *

BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings.

* * * * *

I have no idea or understanding as to why the government has taken these actions against BIF.

Ex. 244. (emphasis added). On April 2, 2002, defendant Arnaout submitted a "corrected declaration" executed under penalty of perjury on April 1, 2002 containing these same false

statements in an effort to get immediate access to BIF's funds.

In addition, in or around late 2001 and early 2002, while BIF, under defendant Arnaout's control, continued to solicit and receive donations from the public while fraudulently holding itself out as a humanitarian organization that had never supported or financed violence, defendant Arnaout individually and through an attorney falsely informed the *Chicago Tribune* newspaper that defendant Arnaout did not know Usama Bin Laden personally, that defendant Arnaout never fought against the Soviet Union, that defendant Arnaout was never at the *al Masada* camp and that he could not have been there because he was working in a restaurant in the Persian Gulf area during the relevant time frame. *Id.*

On February 23, 2002, defendant Arnaout spoke by telephone with Basil Refai. Ex. 245. Refai authored a book, published by LBI under LBI's name in furtherance of LBI's mission, recounting experiences of *mujahideen* in Afghanistan, including Bin Laden, defendant Arnaout and others. Defendant Arnaout coached Refai on the telephone, falsely telling Refai that defendant Arnaout is not the Abu Mahmoud al Suri discussed in the book. *Id.* at 8-10. Defendant Arnaout also told Refai that he explained to a *Chicago Tribune* reporter that he is not the person she thinks he is, and he never knew Bin Laden. *Id.* at 11-12.

P. Defendant Arnaout's Message to Batterjee

In the February 12, 2002, telephone conversation between defendant Arnaout and his brother Hisham overseas, discussed above, defendant Arnaout asks Hisham to pass certain messages to Batterjee. Ex. 178. Defendant Arnaout told Hisham about the scrutiny BIF was receiving from authorities, adding "all their problem with us, the last three or four weeks, is if there is a relation between us and Saudi Arabia or not." *Id.* at 9. In referring to "Abu Sulafa," a name used by Adel Batterjee, defendant Arnaout remarked: "[H]e loves goodwill, so he does not want to boycott the offices . . . he is sending them wire transfers. So, if, if I receive I wire transfer from him, to any office of the offices, my home is destroyed." *Id.* at 10.

Hisham responded: "Yes, meaning, should I tell him not to send a thing." Defendant

Arnaout continued: "Tell him, oh brother, now they want, now scrutinizing on what is our relation to Saudi Arabia. . . . Without, without telling him to send, or not to send. Tell him they are scrutinizing the foundation, whether it has a Saudi connection or not. . . . They [the directors of BIF's offices] do not want to deal with him. Even the offices abroad do not want to deal with him. . . . So I want you to talk to Abu Sulafa, tell him 'Enaam is telling you, that oh beloved brother, the scrutiny now is on a Saudi connection.' . . . I mean, wire transfers the foreign branch offices, because the foreign offices are being watched, like we are being watched here." *Id.* at 10-12.

After explaining to Hisham that the government views BIF like a "mafia," "[s]aying we are covers, we are a cover and there are people behind us," defendant Arnaout tells Hisham that he wants Hisham to tell Batterjee three things: "first information, tell him about the connection subject, the second information about the subject, thinking there is a mafia behind it, and the, the third matter, that, they took the, our director from ninety-three and ninety-four from Bosnia." *Id.* at 15.

Q. Defendant Arnaout's Coaching of BIF's Sarajevo Director

On March 21, 2002, following the search of BIF's Bosnian offices, defendant Arnaout spoke to Munib Zaharigac, the director of BIF's Sarajevo office. Ex. 246. Zaharigac informed defendant Arnaout that "they" came to his house and those of some of his relatives and "took all the things." *Id.* at 2. Zaharigac also informed defendant Arnaout that he was in jail, explaining: "[T]hey took things . . . I had documents from, from, intelligence, where I worked before, and I had various documents, from the, from the, from the, what is it called, from the job." *Id.* at 3. Defendant Arnaout asked if the documents had a connection to BIF, and Zaharigac responded that there were "possibly a few things, but they want to connect them, maybe." *Id.*

Defendant Arnaout instructs Zaharigac: "[T]ell your family, your father, your brothers . . . the story, tell them in details, so that the operation will not be like such and be clear with them, we have nothing hidden. I am in America, tell the people that I am in America, we have

nothing hidden." *Id.* After learning that Zaharigac was inside a police station, defendant Arnaout coached him: "I just sent a, a, a message to Alen, advised him . . . that each, each one of you . . . gives information about himself, not to give information about the others. . . . Meaning we now, I don't know a thing about you, I know you, that you are a good, excellent man working with us. I don't know your life . . . and your wife, your children, your citizenship. . . . Meaning each one gives information about, about himself, about his person. . . . About the others, what do you know about me, you don't know a thing about me, what do you know about me?" *Id.* at 3-6.

Zaharigac then explained that he had been asked already about defendant Arnaout and he said where he met Arnaout. *Id.* at 6. Defendant Arnaout then said: "Meaning, we know each other for the last few years, you, we have a relationship, business relationship for one and a half years, we work together. . . . Meaning we shouldn't be, I mean, I don't know what they are digging for and I, we have to be patient. . . . [W]e never work anything secret, we never do, we never steal money, we never did do anything the problem, we are clear hundred percent." *Id.* Zaharigac then explains that "one problem" is the documents found in his house. *Id.* at 7.

R. Defendant Arnaout's Instructions to BIF Officer to Flee

On April 15, 2002, Solange Waithe, the director of BIF's Canada Office (the "Benevolence International Fund"), called defendant Arnaout and told him that "Haroon," the director of BIF's Pakistan office, wanted to speak to defendant Arnaout because "he's worried." Ex. 247 at 1. Defendant Arnaout resists, but Waithe ultimately convinces him to speak to Haroon.³⁰ *Id.* at 1-3.

Haroon called defendant Arnaout shortly thereafter. *Id.* at 4. Haroon explained that

³⁰ Haroon informed Waithe that he did not think that the visit from Pakistani Intelligence was that serious of an issue (a 2 or 3 on a scale of 1 to 10, with 10 being the most serious), although many of his friends told him that he should not go home. Ex. 248 at 17-21. Waithe told Haroon that in discussing this with defendant Arnaout, Haroon should keep in mind that Arnaout's phone is monitored. *Id.* at 19-20.

someone from the "Special Branch" was asking about him. *Id.* at 5. Defendant Arnaout then instructed Haroon to take BIF's money, including the "orphan money," and go alone to Kabul, Afghanistan immediately. *Id.* at 3-4. Arnaout explained that they will check on Haroon by calling Haroon's brother every two or three weeks. *Id.* at 4. He also told Haroon to take all of BIF's records with him. *Id.* at 5. Defendant Arnaout then warned that Haroon could be traced through e-mail, telephones and banks. *Id.* at 6. Defendant Arnaout advised: "I prefer that you travel to the inside and to put everything in boxes, and to let your brother, or your two or three brothers, every one or two days, one of them would travel with a box[.]" *Id.*

III. CONCLUSION

This proffer of evidence, much of which the government expects to introduce in its case-in-chief with other evidence, demonstrates that beginning in or around 1987, in Pakistan, defendant Arnaout and others conspired to support the efforts of persons engaged in violence through the BIF Enterprise, including LBI and BIF, as described in the Indictment. In 1992, members of the conspiracy chose to incorporate and headquartered the enterprise in the U.S. in order to best use the cover of relief work – and the credibility of an American based charity – to assist fighters in various areas of the world, and they concealed from donors and various governments and, ultimately, a federal court that it was materially assisting those fighters. The government respectfully submits that the evidence recited above establishes by a preponderance of the evidence that (1) a conspiracy existed; (2) defendant Arnaout and the declarants discussed above were members of such conspiracy; and (3) the statements were made during the course of and in furtherance of such conspiracy.

WHEREFORE, the government respectfully moves this Court for a ruling that these statements, along with the documents recovered from BIF and sources related to BIF attached hereto, are admissible against defendant Arnaout.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

The undersigned attorney, John C. Kocoras, certifies that he is employed in the

Office of the United States Attorney for the Northern District of Illinois; that on the 6th day of January 2003, he served a copy of the foregoing GOVERNMENT'S EVIDENTIARY PROFFER SUPPORTING THE ADMISSIBILITY OF COCONSPIRATOR STATEMENTS with attachments via messenger to:

Mr. Joseph Duffy, Esq.
Stetler & Duffy Ltd.
140 South Dearborn Street
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JOHN C. KOCORAS
Assistant U.S. Attorney

FILED

JAN 22 2003

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA)

DOCKETED

No. 02 CR 892

ENAAM M. ARNAOUT, JAN 24 2003) Violations: Title 18, United
a/k/a "Abu Mahmoud",) States Code, Sections 2,
a/k/a "Abu Mahmoud al Suri",) 371, 1341, 1343, 1956, 1962,
a/k/a "Abu Mahmoud al Hamawi",) 2339A
a/k/a "Abdel Samia")) SECOND SUPERSEDING INDICTMENT

COUNT ONE

JUDGE CONLON

The SPECIAL APRIL 2002 GRAND JURY charges:

1. At all times material to this indictment:

MAGISTRATE JUDGE LEVIN

RELEVANT ORGANIZATIONS

Mekhtab al Khidemat

A. In the latter part of the 1980's, an organization known as "mekhtab al khidemat" (the "Services Office") maintained offices and facilities in various parts of the world, including Afghanistan, Pakistan and the United States. The organization was operated principally by Sheik Abdallah Azzam and Usama Bin Laden for purposes including the providing of logistical support to the mujahideen (fighters) in Afghanistan. The support provided included financial assistance for military training as well as assistance with obtaining travel and identity documents and immigration status in Pakistan.

B. Until his death in or about 1989, Sheik Abdallah Azzam continued to work with *mekhtab al khidemat* to provide

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logistical and financial support to the *mujahideen*. After Azzam's death, *mekhtab al khidemat* continued to provide such logistical and financial support.

Al Qaeda

C. In or about 1988, Usama Bin Laden began directing resources to train *mujahideen* for eventual deployment to places outside Afghanistan. In or about August 1988, Usama Bin Laden and others (including Mamdouh Salim, a/k/a "Abu Hager al Iraqi") held a series of meetings in Afghanistan during which the *al Qaeda* (the "Base") organization was formed. In or about 1991, the leadership of *al Qaeda*, including Usama Bin Laden, relocated to the Sudan. *Al Qaeda* was headquartered in the Sudan from approximately 1991 until approximately 1996 but still maintained offices in various parts of the world. In 1996, Usama Bin Laden and other members of *al Qaeda* relocated to Afghanistan. Members of *al Qaeda* pledged an oath of allegiance (called a "bayat") to *al Qaeda*. Usama Bin Laden used the *al Qaeda* organization, as well as affiliated organizations, to provide financial and logistical support to *mujahideen* in various areas of the world. *Al Qaeda* had a command and control structure which included a *majlis al shura* (or consultation council) which discussed and approved major undertakings, including terrorist operations.

D. In addition to participating in armed confrontations in Afghanistan, *al Qaeda*, acting on its own as well as in concert

with other groups, also participated in armed confrontations and violence in other locations, including Bosnia-Herzegovina, Chechnya and the Sudan.

E. In addition, beginning in or around 1988, Usama Bin Laden and *al Qaeda* received funding from various non-governmental organizations, and relied on various non-governmental organizations including charitable organizations to transfer money and provide cover for traveling *al Qaeda* members and associates.

Hezb e Islami

F. In the latter part of the 1980s and continuing in the 1990s, an organization known as *Hezb e Islami* existed in Afghanistan and elsewhere whose purposes included engaging in armed confrontation in Afghanistan. *Hezb e Islami* maintained training camps in Afghanistan as well as a working relationship with Usama Bin Laden, *al Qaeda* and *mekhtab al khidemat*.

Lajnat Al-Birr Al-Islamiah

G. In or about 1987, an organization known as "Lajnat Al-Birr Al-Islamiah" ("Islamic Benevolence Committee") (hereafter "LBI") was founded by Adel Batterjee in Saudi Arabia and Peshawar, Pakistan. One of the purposes of LBI was to raise funds in Saudi Arabia to provide support to the *mujahideen* then fighting in Afghanistan. LBI also provided cover for fighters to travel in and out of Pakistan and obtain immigration status.

Benevolence International Foundation, Inc.
("Al Birr al Dawalia")

H. In or about the early 1990's, LBI was renamed "Benevolence International Foundation" (hereafter "BIF"), referred to in Arabic as "Al Birr al Dawalia," and incorporated in the United States. LBI did so in an effort to appear to have more universal concerns and increase its appeal to the public as well as its credibility with other governments, including but not limited to the United States, and organizations, including but not limited to the United Nations, all of which was designed to increase donations and reduce scrutiny by authorities. The successor organization shared assets with the prior organization, adopted a nearly identical logo as LBI and continued to hold itself out as having been formed in 1987. In or about March 1993, BIF received status as a tax-exempt organization from the Internal Revenue Service. Adel Batterjee initially remained a director of BIF.

I. In or about 1993, after scrutiny of BIF by a foreign government, Batterjee resigned as a director of BIF, although he continued to play an important role in financing BIF. Around the same time, defendant ARNAOUT assumed formal management of BIF. BIF proceeded to open offices in various locations including, but not limited to, Pakistan, Bosnia-Herzegovina, Azerbaijan and the Sudan. Some of the overseas offices operated under different names; for example, BIF's office in Bosnia-Herzegovina operated under the name *Bosanska Idealna Futura*. Nevertheless, BIF operated as a single

entity managed by defendant ARNAOUT and so held itself out publicly.

The Sudanese Popular Defense Force

J. Prior to 1991, the National Islamic Front (hereafter "NIF"), the ruling regime in the Sudan, had declared a *jihad* against the Christians living in southern Sudan. Throughout the 1990's, violent action was taken against the people living in southern Sudan through the *Difaar al Shabi* ("Popular Defense") (hereafter "Sudanese Popular Defense Force") which carried out the violent operations with backing from the NIF and *al Qaeda*. In or about May 1991, after agreement between *al Qaeda* and the NIF, BIF established an office in the Sudan for the purpose of supporting *jihad* and the *mujahideen* generally with military and logistical support by operating camps and providing field medical care for the *mujahideen*. BIF in the Sudan formed a close working relationship with the Sudanese Popular Defense Force.

DEFENDANT ENAAM ARNAOUT

K. In the mid to late 1980s, defendant ENAAM ARNAOUT, using various aliases including "Abu Mahmoud," "Abu Mahmoud al Suri," "Abu Mahmoud al Hamawi," and "Abdel Samia," worked with and for *mekhtab al khidemat* and LBI to provide assistance to fighters in Afghanistan, including members of *Hezb e Islami* and its leader Gulbuddin Hekmatyar, as well as various *mujahideen* including those under the command of Usama Bin Laden.

L. Within that same time frame, defendant ARNAOUT served as director of communications in the "al Masada" mujahideen camp in Jaji, Afghanistan, under the direction of Usama Bin Laden. Defendant ARNAOUT distributed resources, including weapons, at the direction of Usama Bin Laden and others at that time.

M. In or about 1991, defendant ARNAOUT, while employed by LBI, worked with others, including members of *al Qaeda*, to purchase rockets and assorted rifles in large quantities and distribute them to various mujahideen camps, including camps operated by *al Qaeda*.

THE BIF ENTERPRISE

2. At times material to this indictment, BIF and LBI, along with their founders, including Adel Batterjee, their directors, officers, and employees, including defendant ARNAOUT, their offices overseas including *Bosanska Idealna Futura*, and those offices' employees, were associated in fact, and constituted an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce. This enterprise, consisting of the aforementioned individuals, entities, and others known and unknown, is hereby referred to for purposes of this count as the "BIF Enterprise." The BIF Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Defendant ARNAOUT participated in the operation and management of the enterprise. The objectives of the BIF Enterprise were to support the activities of *mujahideen* in various areas of the world by raising funds and providing support to *mujahideen* and others engaged in violence and armed confrontation, including al Qaeda, *Hezb e Islami* and the Sudanese Popular Defense Force.

THE RACKETEERING CONSPIRACY

3. Beginning in or about 1992 and continuing to in or about May 2002, in Palos Hills, Worth, and other locations in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,
a/k/a "Abu Mahmoud",
a/k/a "Abu Mahmoud al Suri,"
a/k/a "Abu Mahmoud al Hamawi",
a/k/a "Abdel Samia",

defendant herein, along with Adel Batterjee and others, being persons employed by and associated with an enterprise, namely the BIF Enterprise, which engaged in and the activities of which affected interstate and foreign commerce, did conspire with other persons known and unknown to the grand jury, to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, that is, through multiple acts indictable under the laws of the United States, namely:

(a) 18 U.S.C. § 1341 (mail fraud);

- (b) 18 U.S.C. § 1343 (wire fraud);
- (c) 18 U.S.C. § 1503 (obstruction of justice); and
- (d) 18 U.S.C. § 1956 (money laundering).

4. It was a part of the conspiracy that defendant ARNAOUT agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

PURPOSE, METHOD AND MEANS OF THE CONSPIRACY

The purpose and substance of the conspiracy was as follows:

Scheme to Defraud

5. It was part of the conspiracy that defendant ARNAOUT and his co-conspirators devised, intended to devise, and participated in a scheme to defraud and to obtain money and property from donors to the BIF Enterprise, by means of materially false and fraudulent pretenses, representations, and promises, and material omissions.

a. It was part of the scheme that defendant ARNAOUT and his co-conspirators fraudulently solicited and obtained funds from donors and prospective donors to the BIF Enterprise by falsely representing that the BIF Enterprise would use donated funds solely for humanitarian purposes, with a small amount being used for administrative expenses, while concealing the material fact that a portion of the money raised by the BIF Enterprise was being used to support groups engaged in armed confrontations and violence overseas.

b. It was further part of the scheme that

defendant ARNAOUT and his co-conspirators focused their appeals for donations principally on Muslim donors, who were required by the Islamic principle of *zakat* to give a percentage of their income for charitable purposes.

c. It was further part of the scheme that defendant ARNAOUT and his co-conspirators concealed from many donors to the BIF Enterprise the material fact that funds raised from certain trusted donors to the BIF Enterprise (who were in fact aware that the BIF Enterprise was providing support to groups engaged in armed confrontations and violence overseas) were being commingled with other donors' funds to avoid scrutiny of those donors who knowingly provided money to support violence and armed confrontation.

d. It was further part of the scheme that members of the conspiracy encouraged donors to use or establish corporate matching programs, through which donors' employers would match in whole or in part donations made to the BIF Enterprise by individual employees.

e. It was further part of the scheme that defendant ARNAOUT and his co-conspirators concealed from the State of Illinois, the United States government and other governments the fact that a portion of the money raised by the BIF Enterprise was being used to support groups engaged in armed confrontations and violence overseas.

f. It was further part of the scheme that as a result of the material misrepresentations and omissions regarding the nature of the BIF Enterprise's activities by defendant ARNAOUT and his co-conspirators, numerous individuals and corporations provided donations to the BIF Enterprise having been deceived into believing that their contributions would be used for solely humanitarian purposes.

g. It was further part of the scheme that defendant ARNAOUT and his co-conspirators used BIF's status as a charity and a tax-exempt organization to lessen scrutiny by various governments concerning the financial and other activities of the BIF Enterprise's employees and agents, the BIF Enterprise's overseas offices, and the travel of the BIF Enterprise employees, agents, and associates.

h. It was further part of the scheme that defendant ARNAOUT and others kept secret from governments and the general public, including a significant number of donors, material facts about defendant ARNAOUT's relationship with organizations engaging in violence, including *al Qaeda*, *Hezb e Islami*, and their leaders, including Usama Bin Laden and Gulbuddin Hekmatyar, and the Sudanese Popular Defense Force.

Laundering of the Proceeds of the Scheme to Defraud

6. It was a further part of the conspiracy that defendant ARNAOUT and his co-conspirators agreed to conduct financial

transactions, affecting interstate and foreign commerce, by wire transferring funds from BIF's checking accounts in Illinois to bank accounts in various locations, including New Jersey and accounts outside the United States, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity; with the intent to promote the carrying on of specified unlawful activities, namely, mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343, as described in paragraph 5 of Count One of this indictment; and knowing that the transactions were designed, in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the above specified unlawful activities; all in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and (a)(1)(B)(i). It was a further part of the conspiracy that defendant ARNAOUT and his co-conspirators agreed to transport, transmit, and transfer monetary instruments and funds from a place in the United States to or through a place outside the United States with the intent to promote the carrying on of a specified unlawful activity, namely, mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343, as described in paragraph 5 of Count One of this indictment, in violation of Title 18, United States Code, Sections 1956(a)(2).

Obstruction of Justice

7. It was a further part of the conspiracy that defendant

ARNAOUT and his co-conspirators corruptly endeavored to influence, obstruct and impede the due administration of justice by submitting to the United States District Court false and misleading declarations of defendant ARNAOUT in an effort to obtain an order releasing BIF's funds which had been blocked by the United States Department of the Treasury. The efforts of defendant ARNAOUT included executing, subscribing to and filing materially false declarations under the penalties of perjury in a civil proceeding brought by BIF stating in substance that BIF had never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature; in violation of Title 18, United States Code, Section 1503.

Methods and Means of the Conspiracy

8. The method and means of the conspiracy included the following, among other activities:

A. In or about 1992, defendant ARNAOUT assisted in delivering, assembling and operating a satellite telephone for use in Afghanistan by Gulbuddin Hekmatyar and *Hezb-e-Islami*.

B. Sometime in 1993 or thereafter, members of the conspiracy caused the production of videotapes depicting fighters in Bosnia-Herzegovina and eulogizing dead fighters, including al Qaeda members known as "Abu Zubair al Madani" and "Abu Abbas al Madani," and soliciting donations to support the *mujahideen* in Bosnia-Herzegovina.

C. From in or about late June 1992 until at least in or about January 1995, members of the conspiracy provided various items to fighters in Bosnia-Herzegovina, including boots, uniforms, communication stations, and an ambulance.

D. On or about June 10, 1995, members of the conspiracy caused the delivery of an X-ray machine and currency from the BIF Enterprise to a representative of the Chechen *mujahideen* in Baku, Azerbaijan, for use by the Chechen *mujahideen*.

E. In or about November 1995, defendant ARNAOUT and other members of the conspiracy caused the shipment of anti-mine boots to Baku, Azerbaijan, ultimately destined for the Chechen *mujahideen*.

F. Following its initial shipment of anti-mine boots, defendant ARNAOUT and other members of the conspiracy solicited donations from the public to purchase additional anti-mine boots for the *mujahideen*, falsely claiming that the project was for the benefit of civilians.

G. In or about May 1998, members of the conspiracy, using a letter bearing a signature in the name of defendant ARNAOUT, facilitated the travel of an influential, founding member of the *al Qaeda* network, Mamdouh Mahmud Salim, a/k/a "Abu Hager al Iraqi," to Bosnia-Herzegovina by indicating that Salim was a director of BIF.

H. In the latter part of the 1990's, with defendant

ARNAOUT's knowledge, Saif al Islam el Masry, a/k/a "Abu Islam el Masry," a member of al Qaeda's *majlis al shura* (consultation council), as well as a top military expert and instructor, served as an officer of the BIF Enterprise in Chechnya.

I. In or about February 2000, a website seeking money to support the efforts of the *mujahideen* fighting in Chechnya under the command of Ibn al Khattab, a *mujahideen* leader who had fought in Afghanistan, listed BIF as an organization that would receive donations for this purpose.

J. In or about October 2001, defendant ARNAOUT relayed to the BIF Enterprise founder Adel Batterjee in Saudi Arabia via electronic mail ARNAOUT's concern that ARNAOUT was under scrutiny of the United States government and in particular the fact that defendant ARNAOUT had been searched at the airport upon his return to the United States.

K. In or about November 2001, a BIF Enterprise employee in Bosnia-Herzegovina told defendant that financial support for an injured fighter could not be reflected on the BIF Enterprise's financial records and that the employee could create a new list of orphans as a means of justifying the expenditures. Defendant ARNAOUT and the BIF Enterprise employee also discussed a plan of transferring money from an account of BIF in the United States to the BIF Enterprise in Bosnia-Herzegovina without leaving a trail so that the BIF Enterprise could balance its books in light of certain

expenses that could not be listed on the books.

L. Beginning at a time unknown through in or about March 2002, defendant ARNAOUT, and employees of the BIF Enterprise, possessed, and attempted to erase in part, in Bosnia-Herzegovina, among other items, an archive of documents and photographs concerning Usama Bin Laden and *al Qaeda* and Gulbuddin Hekmatyar and *Hezb e Islami*, including:

i. a chart of an organization involved in military activity headed by Usama Bin Laden and with which Abdallah Azzam, Abu Ubaidah al Banshiri, and Mamdouh Salim, a/k/a "Abu Hager al Iraqi," among others, were involved;

ii. notes summarizing several meetings during which *al Qaeda* was formed in Afghanistan in August 1988 (indicating that Usama Bin Laden, Abu Ubaidah al Banshiri and Mamdouh Salim, a/k/a "Abu Hager al Iraqi," among others, were in attendance), and specifying the text of the original *bayat* (oath of allegiance) made by prospective *al Qaeda* members to *al Qaeda*;

iii. notes reflecting the commencement of *al Qaeda*'s "work" on or about September 10, 1988;

iv. personnel files of the *mujahideen* trained in the *al Masada* camp in Jaji, Afghanistan, in or about 1988, which contained the true names and aliases and military experience of the trainees;

v. a list of wealthy sponsors from Saudi Arabia

including references to Usama Bin Laden and Adel Batterjee, the founder of the BIF Enterprise;

vi. various documents reflecting defendant ARNAOUT's involvement in the acquisition and distribution of hundreds of rockets, hundreds of mortars, offensive and defensive bombs, and dynamite, as well as disguised explosive devices in connection with the *al Masada* camp;

vii. various documents in a separate folder reflecting defendant ARNAOUT's participation in obtaining missiles, bombs and mortars in 1989 and 1990 in connection with *Hezb e Islami*;

viii. various newspaper articles including a 1988 article with a photograph depicting Usama Bin Laden, defendant ARNAOUT, and one of the founders of the BIF Enterprise; as well as 1998 articles concerning Usama Bin Laden's threats against the United States and the State Department's 1997 list of designated terrorist organizations;

ix. a February 1992 letter to ARNAOUT requesting assistance with food and clothing for 1200 *mujahideen*;

x. a handwritten organizational chart placing defendant ARNAOUT at the top of a *jihad* organization involved with weapons; and

xi. a series of reports from a *Hezb e Islami* Special Forces camp in the Paktia province of Afghanistan

indicating that defendant ARNAOUT had inspected the camp and that 70 *mujahideen* had been sent to Peshawar, Pakistan for a "special matter" and that military training had started as of November 1991, with a class of special forces *mujahideen* graduating in January 1992.

M. In or about late 2001 and early 2002, while the BIF Enterprise continued to solicit and receive donations from the public while fraudulently holding itself out as a humanitarian organization that had never supported or financed violence, defendant ARNAOUT individually and through an attorney falsely informed the *Chicago Tribune* newspaper that defendant ARNAOUT did not know Usama Bin Laden personally, that defendant ARNAOUT never fought against the Soviet Union, that defendant ARNAOUT was never at the al Masada camp and that he could not have been there because he was working in a restaurant in the Persian Gulf area during the relevant time frame.

N. On or about March 21, 2002, defendant ARNAOUT spoke via telephone to Munib Zaharigac in Bosnia-Herzegovina and learned that Zaharigac had been arrested and that searches had been conducted of various locations in Bosnia-Herzegovina. After being told that no BIF Enterprise documents were seized, defendant ARNAOUT coached Zaharigac about what to tell authorities about persons associated with the BIF Enterprise including himself.

O. On March 26, 2002, in an effort to obtain a court

order requiring, among other things, the release of BIF funds blocked by the United States Department of the Treasury, BIF and defendant ARNAOUT submitted a declaration in a civil matter pending in the United States District Court for the Northern District of Illinois, Eastern Division, knowingly and falsely stating: "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings." The declaration was executed by defendant ARNAOUT on or about March 22, 2002.

P. On April 5, 2002, in their continuing effort to obtain a court order requiring, among other things, the release of BIF funds blocked by the United States Department of the Treasury, BIF and defendant ARNAOUT submitted a purported "corrected" declaration in a civil matter pending in the United States District Court for the Northern District of Illinois, Eastern Division, again knowingly and falsely stating: "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature. BIF abhors terrorism and all forms of violence against human beings." The declaration was executed by defendant ARNAOUT on or about April 1, 2002.

Q. On or about April 15, 2002, defendant ARNAOUT spoke to the BIF Enterprise director in Pakistan and advised him to avoid

government scrutiny in Pakistan by fleeing to Afghanistan with the BIF Enterprise's money and to evade detection by refraining from the use of banks, telephones or electronic mail.

9. It was a further part of the conspiracy that defendant ARNAOUT and others would and did misrepresent, conceal and hide, and cause to be misrepresented, concealed and hidden the purposes of, and acts done, in furtherance of the conspiracy.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO

The SPECIAL APRIL 2002 GRAND JURY further charges:

Beginning no later than in or about September 1994, and continuing to in or about May 2002, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, conspired with others known and unknown to the Grand Jury to commit an offense against the United States, namely, to provide material support and resources to persons, groups and organizations engaged in violent activities - including *al Qaeda*, *Hezb e Islami*, the Sudanese Popular Defense Force, and others engaged in violent confrontations in Chechnya and Sudan - and to conceal and disguise the nature, location, source and ownership of material support and resources, knowing and intending that they be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 956(a)(1) (conspiracy to kill, kidnap, maim or injure persons in a foreign country), in violation of Title 18, United States Code, Section 2339A.

Overt Acts

2. In furtherance of the conspiracy and to effect the unlawful objects of the conspiracy, defendant ENAAM M. ARNAOUT and other coconspirators committed and caused to be committed the following overt acts in the Northern District of Illinois and elsewhere:

A. In or about 1995, the Chechen *mujahideen* working with *Hezb e Islami* were provided with an X-ray machine and currency;

B. In or about Fall 1995, defendant ARNAOUT coordinated the shipment of anti-mine boots to the Chechen *mujahideen* working with *Hezb e Islami* and made efforts to keep BIF's name from being associated with that shipment on shipping records;

C. In or about 1996, a further shipment of anti-mine boots to the Chechen *mujahideen* working with *Hezb e Islami* was planned;

D. In or about 1997, defendant ARNAOUT provided a military uniform to a coconspirator to serve as a sample for uniforms to be manufactured;

E. In or about April and May 1998, defendant ARNAOUT facilitated the travel in Bosnia-Herzegovina of Mamdouh Salim, a key member of the *al Qaeda* network;

F. In or about late 2000 and early 2001, chemical handwarming devices intended for the representative of the Chechen *mujahideen* working with *Hezb e Islami* were purchased; and

G. In or about March and April 2002, defendant ARNAOUT submitted false declarations under oath to a federal court misrepresenting and concealing material facts about the nature of BIF's work.

All in violation of Title 18, United States Code, Section 371.

COUNT THREE

The SPECIAL APRIL 2002 GRAND JURY further charges:

In or about November 1995, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, provided material support and resources, namely, approximately 2900 pairs of steel-reinforced anti-mine boots, to persons, groups and organizations engaged in violent activities, namely, fighters in the Chechnya area of Russia, and concealed and disguised the nature, location, source and ownership of such material support and resources, knowing and intending that they be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 956(a)(1) (conspiracy to kill, kidnap, maim or injure persons in a foreign country);

In violation of Title 18, United States Code, Sections 2339A and 2.

COUNT FOUR

The SPECIAL APRIL 2002 GRAND JURY further charges:

1. From at least in or about April 1996 and continuing to in or about May 2002, in Palos Hills, Worth, and other locations in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, did knowingly conspire and agree with others, known and unknown to the Grand Jury, to commit offenses against the United States, namely:

(a) to conduct financial transactions involving proceeds of specified unlawful activities, namely mail fraud, and wire fraud, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, and that the transactions affected interstate and foreign commerce and were conducted: (i) with the intent to promote the carrying on of mail fraud, wire fraud, and material support to organizations engaged in violent activities; and (ii) which were designed, in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and (B)(i);

(b) to transport, transmit and transfer monetary instruments and funds, from a place in the United States to or through a place outside the United States, with the intent to

promote the carrying on of specified unlawful activity, namely material support to organizations engaged in violent activities in violation of Title 18, United States Code, Section 1956(a)(2);

2. It was part of the conspiracy that defendant ARNAOUT and other members of the conspiracy agreed to transfer by wire funds from BIF's checking accounts to bank accounts in various locations, including New Jersey and accounts outside the United States, which involved the proceeds of specified unlawful activities;

All in violation of Title 18, United States Code, Section 1956(h).

COUNT FIVE

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about April 21, 2001, in the Northern District of Illinois, Eastern Division,

ENAAM M. ARNAOUT,

defendant herein, conducted and attempted to conduct a financial transaction, affecting interstate and foreign commerce, namely, transferring by wire approximately \$4000 from BIF's checking account at Citibank FSB to Fleet Bank in Newark, New Jersey, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, with the intent to promote the carrying on of specified unlawful activity, namely the mail fraud and wire fraud as described in Count One;

In violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNT SIX

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about March 18, 2000, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused an envelope containing a donation check in the amount of \$1620 to be delivered by the United States Postal Service according to directions thereon, from a corporation to:

Benevolence International Fnd
9838 S Roberts Rd. #1W
Palos Hills, IL 60465

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT SEVEN

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about June 27, 2000, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused an envelope, containing a donation check in the amount of \$1000 to be delivered by the United States Postal Service according to directions thereon, from a corporation to:

Benevolence International Foundation
9838 S Roberts Rd. #1W
Palos Hills, IL 60465

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT EIGHT

The SPECIAL APRIL 2002 GRAND JURY further charges:

On or about October 1, 2001, in the Northern District of Illinois, Eastern Division, and elsewhere:

ENAAM M. ARNAOUT,

defendant herein, for the purpose of executing the scheme to defraud described in Count One, knowingly caused to be transmitted by means of wire communication, certain signs, signals and sounds, in interstate commerce, namely an electronic transmission of funds in the amount of approximately \$10,000 from BIF's checking account at LaSalle National Bank to Fleet Bank in Newark, New Jersey;

In violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL:

David C. Ulman
FOREPERSON

W. J. M.
ACTING UNITED STATES ATTORNEY

02 CR 892

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

ENAAM M. ARNAOUT

S U P E R S E D I N G I N D I C T M E N T

Violations:

- 18 U.S.C., § 1962(d)
- 18 U.S.C., § 2339A
- 18 U.S.C., § 1956(h)
- 18 U.S.C., § 1956(a)(1)(A)(i)
- 18 U.S.C., § 1341
- 18 U.S.C., § 1343
- 18 U.S.C., § 371

David C. Ulmer

Foreman

Filed in open court this 22nd day of January, A.D. 2007

MICHAEL W. DOBBINS

Clerk

Conrad Meier
Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA
v.
ENAAM M. ARNAOUT

) CLERK
) U.S. DISTRICT COURT
) No. 02 CR 892
) Hon. Suzanne B. Conlon

BILL OF PARTICULARS

FEB 5 2003

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits the following Bill of Particulars addressing the provision of material support by defendant and his co-conspirators to individuals associated with *al Qaeda*.

I. Material Support related to *al Qaeda*

The government will prove at trial that material support was provided to *al Qaeda* by defendant and his co-conspirators during the time frame charged in the Indictment in the following ways:

(i) the defendant worked with the BIF Enterprise (hereafter "BIF") in the Sudan to provide financial support to training camps and fighters for the Popular Defense Force ("PDF") militia who were working under the direction of *al Qaeda*;

(ii) the defendant worked with BIF in Bosnia to provide financial assistance to fighters in Bosnia aligned with *al Qaeda*;

(iii) the defendant worked with BIF to provide the cover of legitimate employment for members of the *al Qaeda* network: naming Mohamed Bayazid President of BIF for at least some part of the fall of 1994; describing Mamdouh Salim as a director of BIF and paying for his lodging in May 1998; and employing Saif ul Islam as the BIF officer in Chechnya in approximately 1998 and

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1999; and

(iv) the defendant concealed the relationship between BIF and *al Qaeda*.¹

II. Proof of The Above Particulars

The proof the government will elicit to establish the above particulars includes both general proof of the conspiratorial agreement charged and proof of particular instances when *al Qaeda* was provided material support or when the use of such resources was concealed.

General Agreement Between BIF and *al Qaeda*

As to the general agreement, the government will offer the testimony of Jamal Ahmed al Fadl, an *al Qaeda* member, that Usama Bin Laden specifically advised him in late 1993 or early 1994 that *al Qaeda* was using BIF (referred to as “*al Birr*”, the Arabic word for “Benevolence”) to move funds to areas where *al Qaeda* was carrying out operations. Al Fadl will also testify that on another occasion the then chief financial officer of *al Qaeda* advised him that an employee of BIF had been detained in Saudi Arabia in 1993, apparently because a link had been found between BIF and Usama Bin Laden but the problem had been handled.² (The reports concerning al Fadl’s statements to agents investigating this case are appended as Exhibit A. The voluminous other reports and his prior testimony have also been provided to the defense.)

The general proof of BIF’s assistance also includes an internal BIF document that its purpose “from the first day” was to provide support to *jihad* and *mujahideen* and which indicated that BIF

¹ Concealment itself is an act in violation of the material support statute. Title 18, United States Code, Section 2339A.

² On another occasion in 1995, Bin Laden complained that a different charity had been used to fund an operation unrelated to BIF but Bin Laden was concerned that this might end his ability to use charities for funding. Al Fadl specifically recalled Bin Laden mentioning BIF (“*Birr*”) as one of the charities that *al Qaeda* was then using during this 1995 conversation.

moved to the Sudan because of its relationship with “the base,” the English translation for *al Qaeda*.

In short, the general nature of the conspiratorial agreement by which BIF was supporting *al Qaeda* is demonstrated by the statements by both Usama Bin Laden and *al Qaeda*’s former chief financial officer as well as statements contained in BIF’s internal documents.

The more specific proof focuses in particular on defendant’s involvement in, and concealment of, BIF efforts principally in the Sudan and Bosnia, as demonstrated primarily by BIF internal documents and the testimony of al Fadl.

Material Support to *al Qaeda* Efforts in the Sudan

BIF’s own documents reflect that one of the reasons BIF was in the Sudan was to work with *al Qaeda*. During the search of BIF’s offices here in Illinois, a file marked “Sudan” was recovered. Inside was information about the BIF offices in Sudan. *See* Sudan File, attached in separate, under seal appendix, as Exhibit B. In the Appendices, BIF had a document which stated,

From its first day, the BIF aimed to support Jihad and Mujahideen, by
• Assisting in military and logistical support.
• Assisting in providing medical care for the Mujahideen in the field.

* * * * *

By the grace of Allah, the services of the BIF in the Sudan started in May 1991, after the agreement of *the base* in Sudan with the Sudanese Government.

Id. (emphasis added). These documents reflect not only that BIF and the defendant were involved in support of the *mujahideen* in the region, but that BIF was aligned with “the base,” the English translation for *al Qaeda*, after an agreement between *al Qaeda* and the Sudanese government.

Al Fadl will describe that agreement: an accord between the National Islamic Front (“NIF”) (the party with *de facto* control over the Sudan) and *al Qaeda* by which *al Qaeda* would

provide, among other things, training and support to the Popular Defense Force ("PDF")³ in guerilla warfare and other tactics for use in the war against the people of Southern Sudan. Al Fadl will testify that after a meeting attended by Bin Laden and many others (including Bayazid), it was agreed that a camp for training the PDF would be opened by *al Qaeda*.⁴

Al Fadl will identify a photograph recovered from BIF's Illinois office of that camp in the Sudan. *See* Photograph, attached in separate, under seal appendix, as Exhibit E. That photograph shows a sign in the background of the camp bearing the logo of BIF stating it was "feeding a *Mujahid* with the *Mujahideen*." Among others, Saif ul Islam (an Egyptian who was a member of *al Qaeda*'s military committee and later a BIF officer) trained others at that camp to train the PDF, according to al Fadl. Al Fadl will testify that BIF located its office in Khartoum near the office of the PDF and persons managing the PDF frequently visited BIF. The foregoing corroborates Bin Laden's statement that BIF was being used to support *al Qaeda* in countries where it had operations.⁵

Material Support to *al Qaeda* Efforts in Bosnia

Proof of the support the BIF enterprise provided to *al Qaeda* in Bosnia is demonstrated by a combination of the "Bosnian video" and the testimony of al Fadl.

³ The PDF was referred to in Arabic as the *Difaar al Shabi*.

⁴ The meeting was also attended by an influential member of the NIF named Dr. Abdel Salaam Saad Suliman who exerted considerable influence in the NIF and over the Sudanese intelligence service and PDF. Al Fadl will identify a photograph of defendant meeting with Dr. Abdel Salaam Saad Suliman in Khartoum, Sudan, in Suliman's office, which al Fadl recognizes from the furniture. *See* Photograph, attached in separate, under seal appendix, as Exhibit C. Al Fadl will further testify that he recognizes from the same series of photographs: a photograph of Bayazid (Abu Rida) and a photograph of the defendant next to Bayazid (Abu Rida). *See* Photographs, attached in separate, under seal appendix, as Exhibit D.

⁵ In return for the assistance provided to the PDF, al Fadl explains, the Sudanese intelligence service facilitated the free movement of *al Qaeda* members and weapons in the Sudan.

As described elsewhere, the government will be offering in evidence a videotape obtained in Illinois bearing the *Lajnatt Al-Birr Al-Islamiah* ("LBI") name and logo, depicting combat footage in Bosnia-Herzegovina, eulogizing two *al Qaeda* members killed in combat, showing scenes of relief work in Afghanistan, and soliciting donations to *mujahideen*. *See Transcript of Video*, attached in separate, under seal appendix, as Exhibit F.

Al Fadl will testify that while working for *al Qaeda* in the Sudan (and being supervised by Bayazid) he was dispatched to Zagreb, Croatia, by Usama Bin Laden and Salim, among others, for the purpose of assessing the situation in Bosnia and, in particular, assessing what businesses *al Qaeda* could purchase to support its operations and what banking services could be used by *al Qaeda*. In connection with that trip, Salim advised al Fadl that Bosnia was to be a base for *al Qaeda* operations in Europe.

Al Fadl attended meetings in Zagreb, Croatia, involving several relief agencies, including the BIF office. Al Fadl will testify that he recalls meeting with *al Qaeda* member Abdel Rahman al Dosari in the office of "*al Birr*" (BIF) in Zagreb and that the defendant, among others, was present. Al Fadl was told by Abdel Rahman al Dosari (a military expert) that weapons were purchased in Germany for the fighters in Bosnia. Abdel Rahman al Dosari also advised that the Islamic scholars needed to issue a ruling (*fatwah*) that would allow *al Qaeda* members to shave their beards and wear Western clothing as necessary to blend in while in Bosnia and Croatia.

Abdel Rahman al Dosari worked with Abu Zubair al Madani, another *al Qaeda* member who appeared on the Bosnian video (bearing the LBI logo), training fighters in Bosnia.⁶ At its essence,

⁶ Al Fadl identifies one of the individuals eulogized in the Bosnian War Video as Abu Zubair al Madani, a well-known member of *al Qaeda* and cousin of Bin Laden.

then, the Bosnian video is a memorial to an *al Qaeda* member and a solicitation for the continued support of the mujahideen that *al Qaeda* was supporting in its effort to establish a European base for *al Qaeda*.

Bayazid's Position with BIF in Fall 1994

As of the fall of 1994, Loay Bayazid officiated over at least one BIF meeting as the President of BIF in Illinois, working with defendant Arnaout and receiving a check in the amount of over \$4000.⁷ *See* BIF documents, attached in separate, under seal appendix, as group Exhibit H.⁸ Al Fadl will testify that Bayazid (Abu Rida) was a key member of the *al Qaeda* network and particularly involved in efforts to obtain weapons for the PDF in the Sudan.⁹

Travel of Mamdouh Mahmud Salim, a.k.a. Abu Haje

In May 1998, Salim traveled to Bosnia using a document bearing defendant Arnaout's signature indicating that Salim was a director of BIF. Specifically, on April 30, 1998, the Ljiljan Commerce Group, a Bosnian corporation directed solely by defendant Arnaout and part of the BIF

⁷ While the defense has contended elsewhere that a sealed exhibit indicates that "Bayazid affirmed that he had never been president of BIF-USA," that is not correct. The relevant document states that "Arnaout invited him to help run the organization. Rida traveled to Chicago to work with the foundation but subsequently realized that Arnaout was only using him and was ... continuing to manage the organization from behind the scenes. Rida departed Chicago but had already obtained a driver's license ..." Bayazid does not deny that he ever worked for BIF or had been president – he only indicated that his service to BIF was brief. *See* Reports of Interviews, attached in separate, under seal appendix, as Exhibit G.

⁸ The material support statute prohibits the provision of "currency," as well as "lodging" "facilities" "false documentation or identification" and "transportation." 18 U.S.C. 2339A.

⁹ Al Fadl can testify that Bayazid (as well as Salim and Saif ul Islam) were ranking members of the *al Qaeda* network, with or without specifying the particular transactions he was aware of (or participated in) which demonstrated their trust. That conduct is discussed in other filings and not repeated herein.

Enterprise, wrote to the Bosnian Consulate in Turkey requesting a visa for the entry of Abu Hajar (Mamdouh Salim) into Bosnia, purportedly for a business meeting. *See* Documents supporting Salim trip, attached in separate, under seal appendix, as group Exhibit I. On May 5, 1998, Abu Hajar completed a visa application, listing his occupation as "Businessman." That same day, a letter on Ljiljan Commerce Group letterhead was sent to the Metalurg Hotel over defendant Arnaout's signature requesting an apartment for "one of the directors of the organization BIF in Bosnia [.]". A receipt from the Metalurg Hotel shows that Salim stayed there from May 7 to May 10, 1998. The receipt also shows that the Ljiljan Commerce Group paid his bill.¹⁰

Documents and al Fadl will establish that Salim was a key member of the *al Qaeda* network. The minutes of the founding of *al Qaeda*, found in the possession of the defendant (and annexed as Exhibit J)¹¹, reflect that Salim was present for the founding. The minutes explain that the meeting was held over three days, and it names the persons on the Advisory Council, beginning with "Sheikh Usama" and including "Abu Hajar" (Mamdouh Salim). Moreover, al Fadl will testify that Salim was a member of *al Qaeda's shura* (consultation) council and *fatwah* committee and was responsible, among other things, for obtaining communication equipment for *al Qaeda*. Moreover, he will testify that in connection with his 1992 trip, Salim advised al Fadhl that *al Qaeda's* goal was to make Bosnia a base for European operations.

¹⁰ Whether Salim was actually a director of BIF is irrelevant to the support that the defendant provided him in 1998. Salim, needed to travel safely through Bosnia – the place he described as *al Qaeda's* base in Europe. In order to facilitate Salim's travel, defendant Arnaout represented that Salim was a director of BIF and BIF paid the expenses of Salim.

¹¹ We have endeavored to annex a set of the most relevant documents showing Arnaout's knowledge of *al Qaeda* and the key members of its network. *See* Letters and Memorandum, attached in separate, under seal appendix, as Group Exhibit K.

Employment of Saif ul Islam

BIF's internal documents establish that defendant reported that Saif ul Islam, an Egyptian, served as the BIF officer in Grozny, Chechnya. Prior to October 1999, defendant Arnaout toured Chechnya and Dagestan and reported back to a BIF fundraiser as to the role that Saif ul Islam and others played in Chechnya. In particular, on October 18, 1999, defendant Arnaout recounted the history of Chechnya to a BIF fundraiser, Uwaymir Anjum. Anjum memorialized defendant Arnaout's statements in a document titled "Daghestan and Chechnya: A Brief Recap of the Islamic Movement." *See Report*, attached in separate, under seal appendix, as Exhibit L. At the outset of his notes, Anjum (on behalf of defendant Arnaout) wrote:

Enaam Arnaout, the CEO of the Benevolence International Foundation, a US-based humanitarian relief organization operating in the Caucus, Central Asia and Balkans, has made six trips to Daghestan/Chechnya area and has collected invaluable information on the history and details of the Islamic movement. Most of this information is collected through personal contacts and log (sic) term relationship (sic) with many key people in the movement.

* * * * *

Saif-ul-Islam, the BIF officer in Chechnya, is an Egyptian lawyer who is very knowledgeable. He also came there through Sh. Fathi.

Id. at 1.

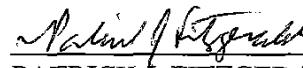
Al Fadl will describe Saif ul Islam as an Egyptian university graduate who became an *al Qaeda* member and a top military instructor as well as a member of *al Qaeda*'s military committee who was involved in military matters in Afghanistan, the Sudan (training at the camp whose picture was recovered from the Illinois office of BIF), and elsewhere. It is a reasonable inference that defendant, who worked with Bin Laden, possessed an archive of historical *al Qaeda* records, and maintained contact with Salim and Bayazid, knew Saif ul Islam's important role in *al Qaeda*.

Concealment

In addition to the above specific instances of material support to *al Qaeda*, the government will also show generally that BIF concealed its true purpose and activities, most clearly in the two sworn filings submitted by defendant Arnaout denying any links to groups engaged in violence. *See* Declaration, attached in separate, under seal appendix, as Exhibit M. While this proof will be offered generally as concealment, it serves to conceal the assistance provided to *al Qaeda* discussed above and thus constitutes conduct in violation of the material support statute.

WHEREFORE, the government respectfully submits this Bill of Particulars.

Respectfully submitted,



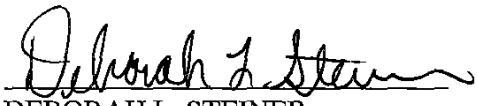
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CERTIFICATE OF SERVICE

The undersigned attorney, Deborah L. Steiner, certifies that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 3rd day of February 2003, she served a copy of the foregoing BILL OF PARTICULARS via messenger to:

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DEBORAH L. STEINER
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 02 CR 892
)
v.) Judge Suzanne B. Conlon
)
ENAAM M. ARNAOUT,) *Doc. 189*
)
Defendant.) *JUN 9 2003*
)

DEFENDANT'S SENTENCING MEMORANDUM

Defendant Enaam M. Arnaout, by his attorneys, submits this Memorandum to address factors relevant to this Court's sentencing determination which were not relevant to, or adequately addressed by, the objections to the PSR's Guidelines calculation included Defendant's Position Paper as to Sentencing Factors. While Mr. Arnaout in no way seeks to minimize the severity of his offense, he asks the Court to sentence him based on the offense to which he pled guilty, and not based on the overwhelmingly prejudicial allegations made by the government which are both untrue and unproven. Mr. Arnaout also asks that the Court consider his rather tragic, and certainly unique, personal background, his achievements in building BIF-USA into a large and internationally respected Muslim charity, and the extraordinary good works that BIF-USA accomplished over the past decade. While those factors certainly do not excuse Mr. Arnaout's offense, they help place it in its proper context and will help the Court to understand that Mr. Arnaout's conduct was motivated not by a desire to finance terrorists but by a desire to help people in some of the most war-ravaged areas of the world.

I. Mr. Arnaout's Personal Background.

As is reflected in the PSR (ll. 528-573) and Mr. Arnaout's letter to the Court, which will be

Via INTELWIRE.com
separately transmitted to the Court by the probation officer, Mr. Arnaout was born in Syria in 1962 and

was the eighth of ten children born to his parents. He was orphaned, as Muslim's use that term, when his father died in 1971. Mr. Arnaout came of age at a time when Hafez Assad's military dictatorship, backed by the Soviet Union, ruled Syria with an iron fist and quashed all dissent. In 1975, when Mr. Arnaout was 13, his older brother joined, and ultimately became a leader of, a dissident group which protested the new constitution imposed by Assad's Baath party. Over the next five years, Mr. Arnaout's family was repeatedly targeted by the government in retaliation for Bassam Arnaout's actions, and his other older brothers were repeatedly imprisoned and harassed. When Bassam Arnaout was killed in 1980 during a traffic stop, there was widespread unrest in the Arnaouts' hometown, and widespread protests of the government's murder of a prominent opposition leader. Shortly after Bassam's killing, another of Mr. Arnaout's brothers and one of his sisters were killed in their home as their mother watched. Mr. Arnaout, then 18, arrived home to find his sister's body literally torn into two pieces by machine gun fire. With the help of a local government official, the remainder of Mr. Arnaout's family escaped from Syria and became refugees looking for a new life in a different country.

After stops in Jordan and the United Arab Emirates, where he was unable to find affordable education or lucrative employment, Mr. Arnaout, with the financial support of his family, moved to Pakistan to obtain higher education. While in Pakistan, Mr. Arnaout met and married an American nurse and eventually moved with her to the United States.

When Mr. Arnaout was studying in Peshawar, Pakistan, near the Afghan border, many Muslim men from various countries were congregating to assist the Afghans in repelling the Soviet invasion of Afghanistan. The role of the United States government and the CIA in supporting these so-called *mujahideen* fighters has been well-documented. Many non-governmental organizations, both Muslim

Via INTELWIRE.com

and otherwise, were active in this region as well and assisted in supporting the many people dislocated by the conflict, as well as the growing influx of people looking to join the fight against the Soviets. It was in this context that Mr. Arnaout was befriended by Osama bin Laden, then simply a member of a wealthy Saudi family whose company was engaged in numerous building projects intended to help build infrastructure to help the *mujahideen* and, later, by Gulbuddin Hekmatyar, a leader of one of the Afghan factions. While Mr. Arnaout never actually fought the Soviets, he, like virtually everyone else in the area at the time, became involved in efforts to assist the *mujahideen* and, due to his keen intellect and engaging personality, came to be a respected member of the Peshawar community.

Mr. Arnaout does not deny many of the allegations made about him during this time period; they simply are irrelevant to the charge at issue. Mr. Arnaout, like virtually every visitor to the region, was photographed carrying a gun, did help supply the *mujahideen*, and did provide logistical support to fighters. He did not join *al Qaeda*, was not present for its founding, and has never in his life joined any organization which was in any way Anti-American. He perceived the fight against the Soviets to be an extension of his brother's fight against the Soviet-backed Syrian dictator, and as an orphan and political refugee himself, he felt drawn to help those in need.

II. The Origins of BIF-USA.

While in Pakistan, Mr. Arnaout worked for *Lajnat Al-Birr Al-Islamiah* ("LBI"), a charity run by a wealthy Saudi named Adel Batterjee. After he got married and moved permanently to the United States, Mr. Arnaout had trouble obtaining employment, as he could not yet speak English. He learned that Batterjee had incorporated a not-for-profit entity called Benevolence International Foundation, Inc. ("BIF-USA") in the United States in 1992, but had not conducted any business through that entity. Mr. Arnaout convinced Mr. Batterjee to let him run BIF-USA as a Muslim charity, and, with \$50,000 of

Via INTELWIRE.com

seed money provided by Mr. Batterjee, began the operations of BIF-USA in May 1993. What the government sees a continuing, decades-long international conspiracy was, in reality, a simple business transaction in which a mentor gave his protege an opportunity to make a living in a new country.

Mr. Arnaout assumed full control of BIF-USA and at all times ran that organization as an independent business with no affiliations to LBI or any of the other organizations run by Mr. Batterjee. Mr. Arnaout did have occasional contacts with Mr. Batterjee, and on a couple of occasions met individuals associated with LBI or other charitable organizations. If, as the government apparently believes, certain of those individuals were providing non-humanitarian support to terrorists, they did not do so with BIF-USA's knowledge or support, and they did so while operating outside the jurisdiction of the United States.

After starting BIF-USA with literally nothing almost exactly a decade ago, Mr. Arnaout oversaw a significant growth in the size, scope, and sophistication of BIF-USA's business. At the time the government shut it down, BIF-USA received \$3-4 million per year in revenue, had distributed over \$20 million of aid in its eight years in existence, and had offices or programs in many areas of Eastern Europe and Central Asia, Pakistan, Canada, and the United States. The government seized voluminous documentation of BIF-USA's well-established, and completely legitimate, charitable programs in many areas of the world. It seized no document regarding any BIF-USA program or office—legitimate or otherwise—in either the Sudan or Yemen, yet it alleges that BIF-USA and Mr. Arnaout are somehow tied to alleged operations in those countries. While it is unfortunately true that BIF-USA, in its early newsletters, sought to "puff" its own significance by taking credit for the programs of LBI and other charities, BIF-USA provided no support to the Sudan or Yemen, and no document will evidence any fund transfer, shipment, program, or any other fact to the contrary.

Via INTELWIRE.com

III. BIF-USA's Humanitarian Programs.

For almost a decade, BIF-USA administered essential humanitarian aid to individuals in the neediest areas of the world. BIF-USA carried out its mission by raising funds to assist orphans and to provide emergency food distribution, health care, education and training in these needy areas. Dr. Stephen Brown, an American physician who was associated with BIF-USA for three years, made several trips to Bosnia and Chechnya, and was prepared to testify on behalf of Mr. Arnaout at trial, has submitted a letter to the Court in which he details his extensive dealings with Mr. Arnaout and BIF-USA's humanitarian programs. Dr. Brown states:

One is at something of a loss in attempting to describe the desperation of conditions facing the Bosnian and Chechnian populations during the wars. The Bosnians and Chechnians were the victims of wrenching atrocities and large portions of the populations were suffering. Yet Enaam was enthusiastic in addressing situations that were almost hopeless in their absurdity.

See Tab 3 to Letter from Haugh to Hendrickson, June 9, 2003.¹ Similar letters from two other American physicians accompany Dr. Brown's letter and express similar sentiments as to the value of BIF-USA's work and the passion shown by Mr. Arnaout to the cause of alleviating human suffering.

We detail below some of the outstanding humanitarian work discussed in various letters submitted to the Court:

¹Because Mr. Arnaout's counsel received an incredible number of letters written on Mr. Arnaout's behalf, counsel has selected a representative sampling of those letters and transmitted them to the probation officer with a cover letter summarizing the various categories of letters attached. In accordance with standard procedures, counsel anticipates that the probation officer will forward copies of that submission to the Court and the government attorneys.

ORPHAN SPONSORSHIP PROGRAM

The care of orphans² has remained the heart of BIF-USA's work since its inception. In many of the countries where BIF-USA operated, as many as 30% of the children were orphaned. By 2001, the number of orphans sponsored through BIF's orphan sponsorship program passed the 2000 mark. This did not include the hundreds of orphaned children that were cared for at one of several orphanages that BIF-USA supported. BIF-USA had an active sponsorship program in Afghanistan, Azerbaijan, Bosnia, Chechnya, China, Georgia, Pakistan and Tajikistan. *See id.*, Tab 18 (listing of some of the orphans that received support through BIF in those respective countries).

Almost every country in which BIF-USA operated had suffered the devastation of war. For many of these orphans, BIF-USA's monthly donation provided the basic needs for the child. Orphan money was also used for food, clothing, shoes, school supplies and other things that children and families needed. *See id.*, Tabs 6 and 7 (letters from Bosnian orphans and their parents which talk about the personal benefits to them of the sponsorship program and the severe hardship and loss incurred as a result of BIF-USA being shut down).

BOSNIA

In his letter to the Court, Saffet Catovic, who worked for the mission of Bosnia and Herzegovina to the United Nations in New York from January of 1993 until 2001, describes the horrors of genocide that were perpetrated upon the Muslims in Bosnia in the mid-1990s. He writes that while the full extent of the humanitarian tragedy will only be known to God, conservative estimates put the number of dead or missing at 250,000, the number of displaced persons over 2 million and the number of women raped in excess of 25,000. *See id.*, Tab 2.

²Muslims define an orphan as a child whose father has died.
Via INTELWIRE.com

Mr. Catovic, who was impressed by BIF-USA's work in Bosnia while he was working for the UN, later became employed by BIF-USA in 2001. *Id.* He, as well as other former employees of BIF-USA have submitted moving letters describing the extraordinary efforts Mr. Arnaout and BIF-USA made to alleviate suffering in Bosnia through a number of programs. *See id.*, Tabs 2, 5. In addition, a selection of letters received from the beneficiaries of BIF-USA's work have written to the Court to express how meaningful BIF-USA's humanitarian efforts were to their families. *See id.*, Tabs 2, 5, 7-10. The following programs are discussed or referenced in those letters:

Benevolence Educational Center Sarajevo

Located in Dobrinja, a suburb of Sarajevo, the Benevolence Education Center Sarajevo ("BECS") provided basic computer and language courses and public access to the Internet. Over 800 students took classes at the center each year. BIF-USA charged nominal tuition solely to insure that the students were serious about their studies. BECS attracted a wide range of students, including government workers, doctors, judges, policemen, state representatives, disabled and retired individuals, orphans, and media personnel. The center provided one of the only opportunities for Bosnian Muslims to gain the skills required for employment.

Ilijas Sewing Center

Ilijas is a refugee city hosting more than 5,000 refugees, mostly women and children, who fled the city of Srebrenica, the site of some of the worst atrocities in the war. In August 2000, BIF-USA opened a sewing center in Ilijas. The center provides women free basic education regarding sewing and tailoring, which is a highly marketable skill that the women can use to support themselves and their families through work in one of the many garment factories and tailor shops in Bosnia.

Zenica Dental Clinic

In the city of Zenica, BIF-USA ran a dental clinic for children in the local schools. The clinic opened in 1987, but became a refugee center during the war. After the war, normal operations resumed, and in 1996 BIF-USA offered to support the clinic for five years. In 2001, BIF-USA renewed its pledge of support for another five years. The dental clinic treated children from the seven kindergartens in Zenica, as well as local orphans and other poor children. In one year over a thousand children were treated at the clinic. The clinic provided basic dental services, as well as simple operations and extractions. In addition, BIF sponsored seminars and classes on oral hygiene for both children and adults.

CHECHNYA

BIF-USA began working in Chechnya because of massive suffering inflicted on the Chechen people by the war over Chechen independence from Russia. BIF-USA sent medical supplies and equipment, doctors, and winter clothing. At one time, BIF-USA operated a sewing factory and a farm in Chechnya, conducted three seasonal projects in Chechnya, and distributed food and clothing to refugees. In late 1996, after the Russians had withdrawn from Chechnya, BIF-USA was able to establish a physical office in Chechnya, in a suburb of Grozny called Tashkala, and began to sponsor some of the tens of thousands of children who were orphans as a result of the war. Even when BIF-USA's office in Chechnya was closed because of the war, it continued to help Chechens by sending relief aid to the many Chechen refugees living in Ingushetia in refugee camps.

BIF-USA provided medical assistance to Chechen refugees living in Ingushetia through a mobile ambulatory service, a clinic in the Aki Kurt refugee camp and its two dental clinics. In addition, BIF-USA built showers and toilets in the refugee camps in order to address the deplorable sanitary

conditions and decrease the risk of disease. Finally, BIF opened an orphanage in Nazran and a school in the Aki-Yurt camp to help the children continue their education. *See id.*, Tabs 3, 15.

OTHER COUNTRIES

Women's Hospital

The Charity Women's Hospital in Mahachkala, Daghestan was established in 1993. In 1998, BIF-USA agreed to assume responsibility for operation of the hospital because of the desperate need for free medical services in Daghestan. Daghestan suffers because of military attacks, earthquakes, and other difficult circumstances, and because approximately 70% of the population lives in poverty.

Medical services offered include inpatient and outpatient gynecological and obstetric care, medical testing of various types of treatment of diseases, and administration of medication. In addition to medical services, the hospital provides courses in general and mine first aid, which is necessary in light of the high fatality rates among victims of frequent earthquakes and the widespread use of mines and explosives. *See id.*, Tab 14. (Declaration of Medical Director Aishat Magomzdoya and letters from patients).

Tuberculosis Hospital

Tuberculosis, one of the most dangerous but most easily treated diseases, is a serious problem in Tajikistan. In 1998, in an effort to confront and ameliorate this crisis, BIF-USA took over operation of a TB hospital that had fallen into disrepair as a result of a lack of funding. BIF-USA initially repaired the facility then paid for the staff and supplies necessary to treat patients with TB.

Through the support of donors, BIF-USA was able to markedly improve the TB situation in Tajikistan. In two years, approximately 300 children fully recuperated in the hospital. During this time, there were only two fatalities, both in cases in which the child entered the hospital at a very late

stage of the disease. Since BIF-USA assumed responsibility for running the TB hospital, the hospital's TB mortality rate dropped to the lowest point in ten years. Shortly before the United States government shut down BIF-USA, the government of Tajikistan asked BIF-USA to explore the potential to open a TB hospital for adults, particularly for the parents of infected children. At the time BIF-USA was shut down, there were approximately fifty patients in the hospital, all under the age of thirteen. Their fates are unknown. *See id.*, Tab 16. (Declaration of Dr. Rakhimov).

Gharm Orphanages

In the city of Gharm in the Karategin valley of central Tajikistan, the Dawlat family opened their home to over 185 orphaned and homeless children from the city and surrounding villages. The family has established orphanages in the city of Gharm, the village of Yaldamich, and the village of Hilmony. The orphanages provided food, clothing, and housing for the orphans. In order to provide aid to the children living in the orphanages, BIF-USA sent regular shipments of flour, oil, rice, vegetables and other needed food supplies.

Benevolence International Computer Center ("BICC")

The only facility of its kind in the Azeri capital of Baku, the BICC provided vital computer and language courses for the local population. The curriculum included various PC software classes, English classes, and Arabic classes. The center also provided Internet access for the local community. The BICC benefitted numerous members of the Baku community. Many students are from low income families, refugees from the war with Armenia, and orphans. Many of these students were able to obtain jobs and benefit the community as a result of their training at BICC. In addition, government officials and members of other relief organizations also attended classes at the center.

Sumgait Orphanage

Starting in 1995, BIF-USA ran an orphanage in the industrial town of Sumgait, approximately 30 kilometers southwest of Baku. The residents of the orphanage include over 500 children. BIF-USA supplies daily meals for the children, provides clothing and education, and supports the staff of 100 employees and teacher. BIF-USA also distributed blankets, bed sheets, shoes, jackets, and toys for the orphans for years. *See id.*, Tab 17. (Declaration of Mohammed Abdalla Mohammed Ali)

IV. Mr. Arnaout's Offense.

Mr. Arnaout sincerely regrets his unfortunate decision to conceal from donors the fact that he provided items such as boots, blankets, and uniforms to the Bosnian army and to Chechen fighters and the Chechen justice ministry. He was motivated not by a desire to propagate fighting or violence but to alleviate suffering, aid those fighting for causes in which he and BIF-USA deeply believed, and to foster relations with the entities which granted BIF-USA access to war-torn areas and protected BIF-USA's representatives working in those areas. As Dr. Brown indicated, "[m]uch of the difficulty in our work was in gaining physical access to the areas" in which BIF was seeking to provide relief. *Id.*, Tab 3. Similarly, Commander Tiric, in the affidavit attached as Ex. F to Defendant's Position Paper, makes clear that humanitarian organizations had to maintain relationships with the army in order to gain access to the field.

Mr. Arnaout was tireless in accomplishing BIF-USA's mission. In the words of one co-worker, Nafcees Shams:

Enaam had endured many hardships and sometimes life-threatening circumstances to help the poor and victimized. His endless traveling and tireless dedication spanning over a decade for his organization—which was his life—was a constant inspiration to the entire staff of BIF in Chicago as well as the overseas offices.

Id., Tab 4. Solange Waithe, the executive director of BIF-USA's Canada office, wrote:

[Mr. Arnaout's] purpose in life was to serve humanity. Over the last decade he has touched countless lives in forgotten nations and assisted the survival of their widows, orphans, disabled, and youth giving them a chance in life.

She proceeds to note that Mr. Arnaout acted as a goodwill ambassador for the United States to the nations in which he worked by "showing them the kindness and benevolence of Americans." *Id.*, Tab 4

V. Conclusion

For the foregoing reasons, Mr. Arnaout respectfully requests that the Court impose a sentence based on the conduct to which he has acknowledged guilt and which considers the motivation for his conduct, the context in which that conduct occurred, and the fact that the extraordinary amount of humanitarian relief provided by BIF-USA dwarfed the small but material amount of aid provided pursuant to Mr. Arnaout's fraud.

Date: June 9, 2003

Respectfully Submitted,

ENAAM M. ARNAOUT

By: 
One of His Attorneys

Joseph J. Duffy
William P. Ziegelmuller
Todd J. Haugh
Steller & Duffy, Ltd.
140 S. Dearborn Street, Suite 400
Chicago, IL 60603
312-338-0200 -phone
312-338-0070-fax

CERTIFICATE OF SERVICE

I, Todd J. Haugh, an attorney, certify that I caused a copy of the foregoing **Defendant's Sentencing Memorandum** to be served upon:

Patrick Fitzgerald, Esq.
John Kocoras, Esq.
Deborah Steiner, Esq.
United States Attorney's Office
219 South Dearborn, 5th Floor
Chicago, IL 60604

by hand delivery before the hour of 5:00 p.m. on this 9th day of June, 2003.



Todd J. Haugh

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Crim. No. 02-cr-00892
Plaintiff,) Honorable Judge Suzanne B. Conlon
-vs-)
ENAAM M. ARNAOUT,)
Defendant.)

DEFENDANT ENAAM M. ARNAOUT'S POSITION MEMORANDUM
REGARDING THE COURT'S ORDER FOR RESTITUTION

Defendant Enaam M. Arnaout, through counsel, respectfully submits this memorandum on his position regarding his request that the Court order that restitution be paid only once he is released so that money being provided to him to pay for costly international calls to his wife and children is used for that purpose.

1. The district court's original judgment order mandated that Mr. Arnaout pay restitution in the amount of \$315,624.00. The district court ordered a lump sum payment "due immediately."
2. Because Mr. Arnaout submitted that the Bureau of Prisons (BOP) was taking more money than allows him to communicate with his family, he asked the Court to change that order and instead order that the restitution amount be due upon his release.
3. In order to determine the BOP policy and what the BOP was doing in this particular case, the Court ordered the probation officer to investigate and provide a report. The probation officer's supplemental report ("the Supplement") was submitted on February 22, 2006.

4. BOP Program Statement P5380.08 addresses financial responsibility for inmates. Rule 8.b. addresses payment. The Supplement correctly reports that the BOP reviews what deposits have been made into the inmate's trust account every six months. As reported in the Supplement, from that six month total, the BOP is required to subtract from that six-month total (1) the inmate's income, based upon the minimum payment schedule for work assignments, in that period and (2) \$75 per month in that period to allow the inmate an opportunity to pay for his or her 300 minutes of telephone calls.
5. Mr. Arnaout notes that the Supplement appears to contain two errors. First, it reports that Mr. Arnaout paid a \$200 Special Assessment in June 22, 2004. The judgment order shows that the correct assessment was \$100. The Supplement is correct that Mr. Arnaout paid the assessment. See Exhibit A, Inmate Financial Responsibility Display, Obligation 1. Second, the Supplement reports that Mr. Arnaout has paid a total of \$330 in restitution. Attached as Exhibit A is the Inmate Financial Responsibility Display, Obligation 2 (restitution). This document shows that correct total is \$395.
6. To review what is happening in Mr. Arnaout's case as to restitution payments, rather than review the account on a six-month basis as the BOP does, the Supplement looks to the past *eight* months. Using those numbers would result in miscalculations once standard amounts are subtracted. For example, \$450 should not be subtracted from an *eight-month* period to determine what amount remains because a larger-than-appropriate number will result. Mr. Arnaout has obtained his unclassified report of financial transactions to demonstrate the numbers in the last six-month window.

7. From August 10, 2005 to February 10, 2006 (a six-month period), Mr. Arnaout made \$26.52 in payroll (\$1.80 + 1.96 + 18.35 + 4.41), and had \$1,505 in deposits (\$200 + 100 + 200 + 80 + 300 + 25 + 300 + 100 + 200) for a total of \$1,531.52 for that six-month period.
8. Following BOP policy noted above, we must subtract Mr. Arnaout's income, bringing the amount down \$26.52 to \$1,505.00. Following BOP policy again, we must subtract \$450 (\$75 per month times six months) for a new total of \$1,055.
9. During those same six months, the BOP took out \$50 (\$25 +25) under the Inmate Financial Responsibility Program (IFRP) for restitution.
10. Having seen the BOP's unclassified report of his finances and reviewed the BOP policy, Mr. Arnaout now recognizes that the BOP is not violating its policy in his case. Although Mr. Arnaout believed the policy was that voiced by the probation officer at the sentencing hearing (that restitution must come only from income and not other money deposited into the inmate's trust account) and that policy was being violated, that information was not accurate.
11. Instead, the numbers show that the BOP is following its policy, taking an amount from his trust account after subtracting income and \$75 per month for phone. Mr. Aranout submits, however, that the implementation of BOP policy to his particular circumstances is what is causing the problem that brought about his complaints in the first place.
12. Seventy-five dollars is enough to cover 300 minutes in domestic calls. But unlike most inmates, Mr. Arnaout is not spending \$75 to make 300 minutes in domestic calls. His

international calls to his family cost approximately one dollar per minute. Accordingly, to make 300 minutes in phone calls per month costs Mr. Arnaout about \$300 per month.

13. FCI Oxford recognized this problem and, for a few months early in Mr. Arnaout's incarceration, officials reduced his restitution-eligible total by *more* than \$450 per month. But that did not last long. Now, by policy, Mr. Arnaout's total is reduced by just \$450. This means that Mr. Arnaout has approximately 75 minutes of calls each month while most, if not all, other inmates have 300 minutes.

14. In light of the restitution order in place, to preserve Mr. Arnaout's ability to make 300 minutes in phone calls, he would need the BOP to deduct \$1,800 per six-months from his trust account *before* taking any money out for restitution. Applying that policy to the six-month period noted above, Mr. Arnaout had \$1,505.00 in his account after subtracting his wages. If the BOP subtracted \$1,800 to ensure that Mr. Arnaout would be able to make around 300 minutes in calls per month, no money would remain for restitution. The practical result of the BOP policy is that the restitution payments for the last six-month period would preclude 300 minutes of calls.

15. Of course, Mr. Arnaout recognizes that the BOP is not likely to change its policy and subtract \$1,800 per six-months to ensure that he has 300 minutes of calls per month for that period. Mr. Arnaout also understands that, because of separation of powers issues, the Court could not order the BOP to change that policy for his case.

16. Accordingly, he asks the Court to change its restitution order to allow him to pay the restitution balance after he is released. That will prevent the BOP from pulling restitution payments from money being donated to Mr. Arnaout specifically so that he can make the

higher-priced international calls to his family overseas. In the alternative, he asks the Court to order that, in addition to subtracting Mr. Arnaout's income and \$450, the BOP also subtract the money that Mr. Arnaout places into his telephone accounts before assessing a fine. The money Mr. Arnaout places into that account can be used only for telephone calls. The BOP will still be able to assess a fine from money that Mr. Arnaout would otherwise use for other comfort items.

Respectfully submitted,

Dated: 23 March 2006

/s/ Jeffrey M. Brandt
Jeffrey M. Brandt, Esq.
N.D. Ill. Bar # 90785912
11331 Grooms Road
Suite 3000
Cincinnati, Ohio 45242
(513) 381-8033 voice
(513) 381-8043 facsimile

CERTIFICATE OF SERVICE

I, Jeffrey M. Brandt, an attorney, certify that I caused a copy of Defendant Enaam M. Arnaout's Position Memorandum to be filed electronically via the Case Management and Electronic Case Filing System and to be served upon:

John T. Ryan, Esq.
U.S. Attorney's Office
219 South Dearborn Street
Fifth Floor
Chicago, IL 60604

John T. Theis, Esq.
29 South LaSalle Street
Suite 220
Chicago, IL 60603

by placing a copy in the mail, U.S. Express Mail postage prepaid, before the hour of 3:00 p.m. this 23rd day of March 2006.

/s/ Jeffrey M. Brandt
Jeffrey M. Brandt

Form 990

Return of Organization Exempt from Income Tax

OMB No. 1545-0047

1999

This Form is Open
to Public InspectionDepartment of the Treasury
Internal Revenue ServiceUnder section 501(c) of the Internal Revenue Code (except black lung benefit trust
or private foundation) or section 4947(a)(1) nonexempt charitable trust

Note: The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 1999 calendar year, Or tax year period beginning May 1, 1999, and ending Apr 30, 2000

B Check if:

Change of address
 Initial return
 Final return
 Amended return (required also for state reporting)

Please use IRS label or print name, address, etc.

See specific instructions.

C Name of organization

BENEVOLENCE INTERNATIONAL FOUNDATION

Number & street (or P.O. box if mail is not delivered to street address) Room/Suite

9838 S. ROBERTS ROAD

1-W

City, Town or County

State ZIP + 4

PALOS HILLS

IL 60465

D Employer identification number

36-3823186

E Telephone number

(708) 233-0062

F Check if exemption application is pendingG Type of organization Exempt under section 501(c) (insert number) or section 4947(a)(1) nonexempt charitable trust

Note: Section 501(c)(3) exempt organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990).

H (a) Is this a group return filed for affiliates? Yes No
 (b) If Yes, enter the number of affiliates for which this return is filed
 (c) Is this a separate return filed by an organization covered by a group ruling? Yes No

K Check here if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if it received a Form 990 package in the mail, it should file a return without financial data. Some states require a complete return.

Note: Form 990-EZ may be used by organizations with gross receipts less than \$100,000 and total assets less than \$250,000 at end of year.

Part III Revenue, Expenses, and Changes in Net Assets or Fund Balances (see instructions)

1 Contributions, gifts, grants, and similar amounts received:	1a	3,283,364.	1d	3,283,364.
a Direct public support	1b		2	
b Indirect public support	1c		3	
c Government contributions (grants)	1d		4	
d Total (add lines 1a through 1c) (attach schedule of contributors)	1e		5	
(cash \$ noncash \$ 0)	1f		6a	
2 Program service revenue including government fees and contracts (from Part VII, line 93)	2		6b	
3 Membership dues and assessments	3		6c	
4 Interest on savings and temporary cash investments	4		7	
5 Dividends and interest from securities	5		8a	
6a Gross rents	6b		8b	
b Less: rental expenses	6c		8c	
c Net rental income or (loss) (subtract line 6b from line 6a)	6d		8d	0
7 Other investment income (describe) <i>See Other Investment Income Statement</i>	7		9a	
8a Gross amount from sale of assets other than inventory	8b		9b	
b Less: cost or other basis and sales expenses	8c		9c	
c Gain or (loss) (attach schedule)	8d		10a	
d Net gain or (loss) (combine line 8c, columns (A) and (B))	8e		10b	
9 Special events and activities (attach schedule)	9a		10c	
a Gross revenue (not including ... \$ of contributions reported on line 1a)	9b		11	
b Less: direct expenses other than fundraising expenses	9c		12	3,283,364.
c Net income or (loss) from special events (subtract line 9b from line 9a)	9d		13	1,864,304.
10a Gross sales of inventory, less returns and allowances	10b		14	157,821.
b Less: cost of goods sold	10c		15	155,815.
c Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	10d		16	0.
11 Other revenue (from Part VII, line 103)	11		17	2,177,940.
12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	12		18	1,105,424.
13 Program services (from line 44, column (B))	13		19	332,627.
14 Management and general (from line 44, column (C))	14		20	
15 Fundraising (from line 44, column (D))	15		21	1,438,051.
16 Payments to affiliates (attach schedule)	16			
17 Total expenses (add lines 16 and 44, column (A))	17			
18 Excess or (deficit) for the year (subtract line 17 from line 12)	18			
19 Net assets or fund balances at beginning of year (from line 73, column (A))	19			
20 Other changes in net assets or fund balances (attach explanation)	20			
21 Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21			

BAA For Paperwork Reduction Act Notice, see separate instructions.

TEEA0101 08/09/99

Form 990 (1999)

SCANNED OCT 03 2009
RECORDED

Part II Statement of Functional Expenses All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 2b, 3b, 10b, or 16 of Part I.	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule)				
(cash \$ _____)	22			
(non-cash \$ _____)				
23 Specific assistance to individuals (attach schedule)	23			
24 Benefits paid to or for members (attach schedule)	24			
25 Compensation of officers, directors, etc.	25 64,200.	6,750.	45,570.	11,880.
26 Other salaries and wages	26 111,233.	31,518.	26,929.	52,786.
27 Pension plan contributions	27			
28 Other employee benefits	28			
29 Payroll taxes	29 18,456.	4,026.	7,627.	6,803.
30 Professional fundraising fees	30			
31 Accounting fees	31 5,180.		5,180.	
32 Legal fees	32 2,005.		2,005.	
33 Supplies	33 7,478.		6,627.	851.
34 Telephone	34 18,098.		15,705.	2,393.
35 Postage and shipping	35 16,017.		14,482.	1,535.
36 Occupancy	36 15,575.		15,575.	
37 Equipment rental and maintenance	37			
38 Printing and publications	38 76,654.	52,712.	1,350.	22,592.
39 Travel	39 37,339.	8,182.	4,947.	24,210.
40 Conferences, conventions, and meetings	40 9,989.			9,989.
41 Interest	41			
42 Depreciation, depletion, etc (attach schedule)	42 2,921.		2,921.	
43 Other expenses (itemize): a	43a			
b PROMOTION	43b 22,776.			22,776.
c DIRECT PROGRAM EXP	43c 1,753,960.	1,753,960.		
d SECURITY	43d 543.		543.	
e See Other Expenses Stmt	43e 15,516.	7,156.	8,360.	
44 Total functional expenses (add lines 22 - 43). Organizations completing columns (B) - (D), carry these totals to lines 13 - 15	44 2,177,940.	1,864,304.	157,821.	155,815.

Reporting of Joint Costs - Did you report in column (B) (program services) any joint costs from a combined educational campaign and fundraising solicitation? Yes No

If 'Yes,' enter (i) the aggregate amount of these joint costs \$ _____; (ii) the amount allocated to program services

\$ _____; (iii) the amount allocated to management and general \$ _____; and (iv) the amount allocated to fundraising \$ _____

Part III Statement of Program Service Accomplishments

What is the organization's primary exempt purpose? HUMANITARIAN SERVICES
All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) & (4) organizations & section 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants & allocations to others.)

Program Service Expenses
(Required for 501(c)(3) and
4947(a)(1) organizations and
optional for others.)

a SEE ATTACHED STATEMENT OF PROGRAM ACCOMPLISHMENTS

b	(Grants and allocations \$ _____)	1,864,304.
c	(Grants and allocations \$ _____)	
d	(Grants and allocations \$ _____)	
e Other program services	(Grants and allocations \$ _____)	
f Total of Program Service Expenses (should equal line 44, column (B), program services)		1,864,304.

BAA

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Form 990 (1999)

Schedule A (Form 990) 1999 BENEVOLENCE INTERNATIONAL FOUNDATION

36-3823186

Page 3

Part IV-A: Support Schedule (Complete only if you checked a box on line 10, 11, or 12.) *Use cash method of accounting.*
 Note: You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

Calendar year (or fiscal year beginning in)	(a) 1998	(b) 1997	(c) 1996	(d) 1995	(e) Total
15 Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.)	1,454,278.	2,308,482.	1,639,285.	2,911,185.	8,313,230.
16 Membership fees received					
17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is not a business unrelated to the organization's charitable, etc. purpose					
18 Gross income from interest, dividends, amounts received from payments on securities loans (Section 512(a)(5)), rents, royalties, and unrelated business taxable income (less Section 311 taxes) from businesses acquired by the organization after June 30, 1975	99.	147.			246.
19 Net income from unrelated business activities not included in line 18				0.	0.
20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge					
22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets					
23 Total of lines 15 through 22	1,454,278.	2,308,581.	1,639,432.	2,911,185.	8,313,476.
24 Line 23 minus line 17	1,454,278.	2,308,581.	1,639,432.	2,911,185.	8,313,476.
25 Enter 1% of line 23	14,543.	23,086.	16,394.	29,112.	
26 Organizations described on lines 10 or 11:	a Enter 2% of amount in column (e), line 24				26a
b Attach a list (which is not open to public inspection) showing the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1995 through 1998 exceeded the amount shown in line 26a. Enter the sum of all these excess amounts	26b				
c Total support for Section 509(a)(1) test: Enter line 24, column (e)	26c				
d Add: Amounts from column (e) for lines: 18	18	19			26d
e Public support (line 26c minus line 26d total)	26e				
f Public support percentage (line 26e (numerator) divided by line 26c (denominator))	26f				%
27 Organizations described on line 12:					
a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," attach a list to show the name of, and total amounts received in each year from, each "disqualified person." Enter the sum of such amounts for each year:					
(1998) 0. (1997) 0. (1996) 0. (1995) 0.					
b For any amount included in line 17 that was received from a nondisqualified person, attach a list to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) After computing the differences between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year:					
(1998) 0. (1997) 0. (1996) 0. (1995) 0.					
c Add: Amounts from column (e) for lines: 15	8,313,230.	16			27c
17 20 21					8,313,230.
d Add: Line 27a total 0. and line 27b total 0.				27d	0.
e Public support (line 27c total minus line 27d total)	27e				8,313,230.
f Total support for section 509(a)(2) test: Enter amount on line 23, column (e)	27f	8,313,476.			
g Public support percentage (line 27e (numerator) divided by line 27f (denominator))	27g				100.00 %
h Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))	27h				0.00 %
28 Unusual Grants: For an organization described in line 10, 11, or 12 that received any unusual grants during 1995 through 1998, attach a list (which is not open to public inspection) for each year showing the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not include these grants in line 15. (See instructions.)					

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Schedule A (Form 990) 1999

BENEVOLENCE INTERNATIONAL FOUNDATION

36-3823186

Page 1 of 2

FORM 990**→ PART - III PAGE #2
STATEMENT OF PROGRAM ACCOMPLISHMENTS:****PRIMARY EXEMPT PURPOSE:**

The Foundation has been organized to provide assistance to the needy peoples throughout the world, irrespective of their color, race, gender and nationality. The main goal of program includes:

- a) Relief supplies, e.g. distribution of food, clothing, medicine etc.
- b) Sponsorship and funding of:
 - Orphanages and orphans
 - Schools
 - Hospitals
 - Vocational training centers
 -
- c) Publication of educational material

PROGRAM ACCOMPLISHMENTS:

The Foundation was actively involved in different parts of the world in carrying out its' mission. In absence of their own offices in these areas, the Foundation carried out it's program through other non-profit organizations. These organizations are completely independent of each other. The Foundation exercise no control e.g. economic interest or administrative control through voting stocks. The Foundation and overseas organizations are associated with each other by their mission and objective. All overseas organizations are approved and registered as non-profit with local government and authorities.

The Foundation monitor closely the activities of these affiliated organizations. They provide accounting, and detailed statement of activities and accomplishments to the Foundation. The field representatives of the Foundation overseas these programs. The Foundation carried relief activities in following parts of the world

- Azerbaijan
- Bosnia
- Chechnya/Grozny
- Bangladesh
- Daghestan
- Georgia
- Pakistan
- Russia
- Tajikistan

BENEVOLENCE INTERNATIONAL FOUNDATION

36-3823186

Page 2 of 2

FORM 990

PART - III PAGE #2
STATEMENT OF PROGRAM ACCOMPLISHMENTS:

The relief activities consist of:

- *Distribution of Food, Medicine and other relief supplies.* The cost of this program was \$652,402.. A total of 209,400 individual benefited under this program.
- *Sponsorship of Orphans and Support of Orphanages:* The cost of this program was \$469,020. A total of 1,474 orphans benefited under this program.
- *Medical Program:* The foundation provided assistance to charitable hospitals and clinics. 5,200 individual received free treatment under this program. The total cost of the program was \$141,437.
- *Economic Development/Vocational Training Program:* This program included vocational training, and digging of water wells. A total of 3,977 individuals benefited under this program at a cost of \$58,127
- *Educational Program:* The foundation sponsored educational programs, including computer center. The total cost of the program was \$56,428.
- *Refugees Relief Program.* The Foundation was very active in Refugee Camps. This program included distribution of relief supplies, at a total cost of \$366,546.
- *Program Administrative Cost (USA Office) \$110,344.*

1:02-cr-00892 USA v. Enaam M. Arnaout, et al

Date filed: 10/09/2002

Date terminated: 05/01/2003

Documents

Doc. No.	Dates	Description
240	<i>Filed:</i> 12/27/2005 <i>Entered:</i> 12/28/2005	appeal record returned
		<i>Docket Text:</i> APPEAL record returned as to Enaam M Arnaout consisting of 5 volumes of pleadings, 5 volumes of loose pleadings, 1 volumes of exhibits and 13 in camera materials: notice of appeal [217], [214] (yap,)
241	<i>Filed:</i> 12/27/2005 <i>Entered:</i> 12/28/2005	USCA judgment
		<i>Docket Text:</i> JUDGMENT of USCA (certified copy) as to Enaam M Arnaout regarding notice of appeal[217]: The judgment of the District Court is vacated as to Arnaout'sentence and we remand for resentencing. The above is in accordance with the decision of this court entered on this date. (yap,)
242	<i>Filed:</i> 12/27/2005 <i>Entered:</i> 12/28/2005	USCA order
		<i>Docket Text:</i> ORDER of USCA (certified copy) as to Enaam M Arnaout regarding notice of appeal[217]: Upon consideration of the Government's motion to amend the opinion, filed on 12/12/05 by counsel for the appellee/cross appellant, it is ordered that the motion is granted. The opinion is modified as follows: on page eight of the slip copy, the word "domestic" is omitted from the section heading, the second line of the new section, and the eleventh line of the section heading. (yap,)
243	<i>Filed:</i> 12/27/2005 <i>Entered:</i> 12/28/2005	opinion from appellate court
		<i>Docket Text:</i> OPINION from the USCA for the Seventh Circuit Court of Appeals; Argued 2/15/05; Decided 12/2/05 in USCA case no. 03-3297 & 03-3412 (yap,)
239	<i>Filed:</i> 12/19/2005 <i>Entered:</i> 12/21/2005	order on motion for hearing
		<i>Docket Text:</i> MINUTE entry before Judge Suzanne B. Conlon as to Enaam M. Arnaout: Defense counsel Joseph Duffy's motion for status hearing is granted [237]. The motion will not be heard on 12/22/05 as noticed. A status hearing to identify defendant's counsel on remand is set on 1/6/06 at 9:30 a.m. Defendant shall be present. The 1/3/06 deadline for defendant's resentencing memorandum is vacated. The government's memorandum remains due on 1/3/06. Notices mailed by judicial staff. (las,)

Via INTELWIRE.com

<u>237</u>	<i>Filed & Entered:</i>	12/16/2005	motion for hearing
	<i>Terminated:</i>	12/19/2005	
<i>Docket Text:</i> MOTION by Enaam M Arnaout for hearing <i>Stetler & Duffy's Motion for Status Hearing</i> (Haugh, Todd)			
<u>238</u>	<i>Filed & Entered:</i>	12/16/2005	notice of motion
<i>Docket Text:</i> NOTICE of Motion by Todd John Haugh for presentment of motion for hearing[237] before Honorable Suzanne B. Conlon on 12/22/2005 at 09:00 AM. (Haugh, Todd)			
<u>236</u>	<i>Filed:</i>	12/06/2005	set/reset hearings
	<i>Entered:</i>	12/14/2005	
<i>Docket Text:</i> MINUTE entry before Judge Suzanne B. Conlon as to Enaam M. Arnaout: The parties' memoranda for resentencing on the issues specified by the Court of Appeals are due by 1/3/06. Resentencing is set on 1/20/06 at 9:30 a.m. Defendant is ordered to be present. Notices mailed by judicial staff. (las,)			
<u>235</u>	<i>Filed:</i>	08/11/2005	notice of attorney designation - USA
	<i>Entered:</i>	08/15/2005	
<i>Docket Text:</i> ATTORNEY Designation for USA of John T Ryan (yap,)			
<u>234</u>	<i>Filed:</i>	11/12/2003	USCA order
	<i>Entered:</i>	11/13/2003	
	<i>Terminated:</i>	12/27/2005	
<i>Docket Text:</i> CERTIFIED copy of Order dated 11/7/03 from the 7th Circuit as to Enaam M Arnaout . (03-3297 & 03-3412); This matter comes before the court for its consideration of attorney Joseph J. Duffy's second status report and renewed motion for leave to withdraw, filed on 10/8/03. Upon consideration thereof, it is ordered that the motion to withdraw is granted. (yap)			
<u>231</u>	<i>Filed:</i>	10/02/2003	minutes - miscellaneous
	<i>Entered:</i>	10/06/2003	
<i>Docket Text:</i> MINUTE ORDER of 10/2/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant Arnaout's motion for permission to appeal in forma pauperis [228-1] is granted. Mailed notices by judge's staff (yap)			
<u>228</u>	<i>Filed:</i>	10/01/2003	motion for leave to appeal in forma
	<i>Entered:</i>	10/02/2003	pauperis
	<i>Terminated:</i>	10/02/2003	
<i>Docket Text:</i> MOTION by Enaam M Arnaout for permission to appeal in forma pauperis (Attachment) (yap)			
<u>221</u>	<i>Filed:</i>	09/22/2003	transcript designation and order form
	<i>Entered:</i>	09/23/2003	
	<i>Terminated:</i>	12/27/2005	
<i>Docket Text:</i> TRANSCRIPT designation and order form as to Enaam M Arnaout (yap)			
<u>220</u>	<i>Filed:</i>	09/16/2003	USCA order

	<i>Entered:</i>	09/17/2003	
	<i>Terminated:</i>	12/27/2005	
<p><i>Docket Text:</i> CERTIFIED copy of Order dated 9/15/03 from the 7th Circuit as to Enaam M Arnaout . (03-3297 & 03-3412). The court, on its own motion, orders that these appeals are Consolidated for purposes of briefing and disposition. Briefing in this appeal is Suspended pending further court order. (meg)</p>			
<u>219</u>	<i>Filed:</i>	09/15/2003	USCA notice of docketing record on appeal
	<i>Entered:</i>	09/16/2003	
<p><i>Docket Text:</i> ACKNOWLEDGEMENT of receipt of short record on appeal, as to Enaam M Arnaout appeal [217-1] USCA 03-3412 (pmp)</p>			
<u>217</u>	<i>Filed:</i>	09/11/2003	notice of appeal
	<i>Entered:</i>	09/12/2003	
<p><i>Docket Text:</i> NOTICE OF APPEAL by plaintiff USA from appeal [214-1] (FEE WAIVED) (cdh)</p>			
<u>216</u>	<i>Filed:</i>	08/28/2003	USCA notice of docketing record on appeal
	<i>Entered:</i>	09/02/2003	
<p><i>Docket Text:</i> ACKNOWLEDGEMENT of receipt of short record on appeal, re: as to Enaam M Arnaout appeal [214-1] USCA 03-3297 (yap)</p>			
<u>214</u>	<i>Filed:</i>	08/27/2003	notice of appeal
	<i>Entered:</i>	08/28/2003	
<p><i>Docket Text:</i> NOTICE OF APPEAL by defendant Enaam M Arnaout from Scheduling order case terminated [0-0] Scheduling order Sentencing Enaam M Arnaout (2) count(s) 1ss. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 136 months. Upon release from imprisonment the defendant shall be on supervised release for a term of three (3) years. The defendant shall make restitution in the total amount of \$315,624.00. Schedule of payments. (Memorandum opinion and order) [213-1] (\$105.00 PAID) (mak)</p>			
<u>215</u>	<i>Filed:</i>	08/27/2003	docketing statmeent
	<i>Entered:</i>	08/28/2003	
<p><i>Docket Text:</i> DOCKETING STATEMENT by defendant Enaam M Arnaout appeal [214-1] . (mak)</p>			
<u>211</u>	<i>Filed:</i>	08/18/2003	minutes - miscellaneous
	<i>Entered:</i>	08/19/2003	
<p><i>Docket Text:</i> MINUTE ORDER of 8/18/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant shall remain at the Metropolitan Correctional Center for at least one week, so that he may consult with counsel regarding his appellate rights. The court recommends that defendant be placed in the general prison population. Notices mailed by judge's staff (pmp)</p>			
<u>212</u>	<i>Filed:</i>	08/18/2003	minutes - miscellaneous
	<i>Entered:</i>	08/19/2003	

	<p><i>Docket Text:</i> MINUTE ORDER of 8/18/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Final sentencing hearing held. The government's alternative motion for upward departure and defendant's motions for downward departure and to strike portions of the presentence investigation report and attached submission referring to terrorism are denied. [188-1], [186-1] and [185-1]. Defendant advised of his right to appeal. On the government's motion, the remaining counts of the second superseding indictment, the original indictment and the first superseding indictment are dismissed. Notices mailed by judge's staff (pmp) Modified on 08/19/2003</p>		
<u>213</u>	<i>Filed:</i> Entered:	08/18/2003 08/19/2003	order
	<p><i>Docket Text:</i> SENTENCING/Judgment and Commitment Order of 8/18/03 by Hon. Suzanne B. Conlon : Sentencing Enaam M Arnaout (2) count(s) 1ss. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 136 months. Upon release from imprisonment the defendant shall be on supervised release for a term of three (3) years. The defendant shall make restitution in the total amount of \$315,624.00. Schedule of payments. (Memorandum opinion and order) Dismissing counts Enaam M Arnaout (2) count(s) 1s, 1 , 2ss , 2s , 2 , 3s , 3 , 4ss , 4s , 4 , 5ss and 7s on the motion of the United States. Mailed notice (pmp)</p>		
<u>210</u>	<i>Filed:</i> Entered:	08/14/2003 08/15/2003	text entry
	<p><i>Docket Text:</i> STATUS REPORT concerning defendant's post-plea statements and downward departure request by USA ; Notice (kmt)</p>		
<u>209</u>	<i>Filed:</i> Entered:	08/08/2003 08/11/2003	text entry
	<p><i>Docket Text:</i> JOINT SUBMISSION by Enaam M Arnaout and USA regarding defendant's post-plea statements (yap)</p>		
<u>208</u>	<i>Filed:</i> Entered:	07/24/2003 07/25/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 7/24/03 by Hon. Suzanne B. Conlon as to defendant Enaam M Arnaout : In their aggravation and mitigation arguments, counsel are requested to address whether the sentencing guideline calculations take into consideration the harm cause to Chechen and Bosnian refugees, orphans and widows by defendant's diversion of charitable funds and resources to military operations. Counsel are advised the court will consider an upward departure of two levels, on its own motion. Telephoned notice (kmt)</p>		
<u>207</u>	<i>Filed:</i> Entered:	07/17/2003 07/18/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 7/17/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant's objection to including Chechen foot and hand warmers in calculating loss is sustained. His objection to including Bosnian storage items is sustained in part. His objections to application of 3A1.4 are sustained.</p>		

	Entered Memorandum Opinion and Order. Mailed notice (yap)		
<u>206</u>	<i>Filed:</i> <i>Entered:</i>	07/15/2003 07/16/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 7/15/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant's motion for appointment of counsel [205-1] is granted. Panel Attorney John Theis is appointed as counsel for defendant for the limited purpose of advising defendant on his rights and interests as to the propriety of the government's use of his post-plea statements at sentencing and refusal to move for a downward departure under 5K1.1. John T. Theis Final sentencing hearing is set on 8/18/03 at 9:00 a.m. Mailed notice (yap)			
<u>204</u>	<i>Filed:</i> <i>Entered:</i>	07/11/2003 07/14/2003	response
<i>Docket Text:</i> RESPONSE by USA to defendant's motion for appointment of counsel (yap)			
<u>205</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	07/05/2003 07/16/2003 07/15/2003	motion to appoint counsel
<i>Docket Text:</i> MOTION by Enaam M Arnaout for appointment of counsel (Attachment); Notice (yap)			
<u>202</u>	<i>Filed:</i> <i>Entered:</i>	06/23/2003 06/24/2003	sentencing memorandum
<i>Docket Text:</i> SENTENCING memorandum re Enaam M Arnaout (Attachments) (yap)			
<u>203</u>	<i>Filed:</i> <i>Entered:</i>	06/23/2003 06/24/2003	supplement
<i>Docket Text:</i> SUPPLEMENTAL submission by Enaam M Arnaout regarding loss calculation (Attachments) (yap)			
<u>200</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	06/16/2003 06/17/2003 08/18/2003	motion to produce
<i>Docket Text:</i> EMERGENCY MOTION by Enaam M Arnaout for production of memoranda of post-plea interviews (yap)			
<u>201</u>	<i>Filed:</i> <i>Entered:</i>	06/16/2003 06/18/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 6/16/03 by Hon. Suzanne B. Conlon as to Enaam M. Arnaout: Sentencing hearing held and continued until further notice. Counsel shall submit to the clerk a list of dates through 7/31/03 when they will be unavailable. Defendant's objections to loss calculations are overruled in part and taken under advisement in part. Additional evidentiary submissions may be filed by 6/23/03. The two-level reduction for acceptance of responsibility stands. Defendant's motion for an additional one-level reduction for timely acceptance of			

	<p>responsibility is denied. Defendant's objection to obstruction of justice enhancement is overruled. Defendant's objection to abuse of trust enhancement is sustained. The application of the terrorism enhancement, defendant's motion for downward departure, defendant's motion to strike references to terrorism in the presentence report and government's alternative upward departure motion are taken under advisement. Copies of supporting authorities may be submitted to chambers by 6/23/03. Defendant's emergency motion for production of memoranda of post-plea interviews is withdrawn. Mailed notices by judge's staff (yap) Modified on 11/18/2003</p>		
<u>196</u>	<i>Filed:</i> <i>Entered:</i>	06/13/2003 06/16/2003	objection
	<p><i>Docket Text:</i> OBJECTION by Enaam M Arnaout to government's motion for leave to respond to defendant's objections to the presentence report and accompanying filings [193-1] (Attachment). (emd)</p>		
<u>197</u>	<i>Filed:</i> <i>Entered:</i>	06/13/2003 06/16/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 6/13/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Government's motion for leave to respond to defendant's objections to the presentence report and accompanying filings is granted [193-1]. Government is granted leave to file its responses to defendant's position paper, motion for downward departure, motion to strike portions of the presentence report and sentencing memorandum in excess of 15 pages. The court will address the following issues at the sentencing hearing on 6/16/03: errors in the non-guideline portions of the presentence report (excluding the parties' "versions"); loss calculations; abuse of a position of trust; obstruction of justice; and acceptance of responsibility. Mailed notice by judge's staff (emd)</p>		
<u>198</u>	<i>Filed:</i> <i>Entered:</i>	06/13/2003 06/16/2003	reply to motion
	<p><i>Docket Text:</i> REPLY by USA to defendant's objections to its motion for leave to respond to defendant's sentencing filings. (emd)</p>		
<u>199</u>	<i>Filed:</i> <i>Entered:</i>	06/13/2003 06/16/2003	response to motion
	<p><i>Docket Text:</i> CONSOLIDATED RESPONSE by USA to defendant's motion to strike portions of the presentence investigation report [188-1], sentencing memorandum, and motion for downward departure [186-1]. (emd)</p>		
<u>193</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	06/12/2003 06/13/2003 06/13/2003	motion for leave to
	<p><i>Docket Text:</i> MOTION by USA for leave to respond to defendant's objections to the presentence report and accompanying filings (yap)</p>		
<u>194</u>	<i>Filed:</i> <i>Entered:</i>	06/12/2003 06/13/2003	response

	<i>Docket Text: RESPONSE by USA to defendant Enaam M. Arnaout's position paper as to sentencing factors [191-1] (yap)</i>		
<u>185</u>	<i>Filed & Entered:</i> 06/09/2003	<i>Terminated:</i> 08/18/2003	motion for departure from guidelines
	<i>Docket Text: ALTERNATIVE MOTION by USA for upward departure as to defendant Enaam M Arnaout (yap)</i>		
<u>186</u>	<i>Filed & Entered:</i> 06/09/2003	<i>Terminated:</i> 08/18/2003	motion for departure from guidelines
	<i>Docket Text: MOTION by Enaam M Arnaout for downward departure pursuant to U.S.S.G. 5K2.0 (Attachments) (yap)</i>		
<u>187</u>	<i>Filed & Entered:</i> 06/09/2003	<i>Terminated:</i> 06/09/2003	motion for leave to
	<i>Docket Text: MOTION by Enaam M Arnaout for leave to file position paper as to sentencing factors in excess of fifteen pages (yap)</i>		
<u>188</u>	<i>Filed & Entered:</i> 06/09/2003	<i>Terminated:</i> 08/18/2003	motion to strike
	<i>Docket Text: MOTION by Enaam M Arnaout to strike portions of the presentence investigation report and any attached submissions referring to terrorism (Attachments) (yap)</i>		
<u>189</u>	<i>Filed & Entered:</i> 06/09/2003		sentencing memorandum
	<i>Docket Text: SENTENCING memorandum re Enaam M Arnaout (yap)</i>		
<u>190</u>	<i>Filed:</i> 06/09/2003	<i>Entered:</i> 06/10/2003	minutes - miscellaneous
	<i>Docket Text: MINUTE ORDER of 6/9/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant Arnaout's motion for leave to file position paper as to sentencing factors in excess of fifteen pages [187-1] is granted. Mailed notice (yap)</i>		
<u>191</u>	<i>Filed:</i> 06/09/2003	<i>Entered:</i> 06/10/2003	text entry
	<i>Docket Text: POSITION PAPER as to sentencing factors by Enaam M Arnaout (Attachments) (yap)</i>		
<u>184</u>	<i>Filed:</i> 04/30/2003	<i>Entered:</i> 05/01/2003	minutes - miscellaneous
	<i>Docket Text: MINUTE ORDER of 4/30/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Government's agreed motion to continue sentencing is granted [182-1]. Sentencing on 5/7/03 is reset on 6/16/03 at 1:00pm. Filing of motions for departure and objections to presentence investigation is extended to 6/9/03. Motions for departure may be filed under seal pursuant to Local Rule 10 if necessary. Mailed notice by judge's staff (emd)</i>		
<u>183</u>	<i>Filed:</i> 04/16/2003	<i>Entered:</i> 04/25/2003	minutes - miscellaneous

	<p><i>Docket Text:</i> MINUTE ORDER of 4/16/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's agreed motion to continue sentencing is set for hearing on 4/30/03 at 9:00am [182-1]. Mailed notice by judge's staff (emd)</p>		
<u>182</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	04/08/2003 04/09/2003 04/30/2003	motion to continue
	<p><i>Docket Text:</i> AGREED MOTION by USA to continue sentencing as to defendant Enaam M Arnaout (yap)</p>		
<u>181</u>	<i>Filed:</i> <i>Entered:</i>	03/06/2003 03/07/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 3/6/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: At the government's request and for the convenience of counsel, the status hearing set on 3/10/03 is vacated. The government shall submit its version of the offense to the Probation Office by 3/14/03. Sentencing is set on 5/7/03 at 1:00pm. Any objections to the presentence investigation report or motions for departure shall be filed by 5/2/03. Motions for departure may be filed under seal pursuant to Local Rule 10 if necessary. Mailed notice by judge's staff (emd)</p>		
<u>177</u>	<i>Filed:</i> <i>Entered:</i>	02/10/2003 02/11/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 2/10/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant withdraws plea of not guilty. Defendant informed of his rights. Defendants enters plea of guilty to count one of the second superseding indictment. Count enters judgment of guilty. Status hearing set on 3/10/03 at 9:00am. Trial on 2/10/03 is vacated. Defendant's motion to strike date of offense and overt acts alleged in count two [174-1], motion to strike references to Al Qaeda from second superseding indictment [175-1] and motion in limine to preclude the government from referring to Al Qaeda and related organizations during opening statements [176-1] are moot. Mailed notice by judge's staff (emd) Modified on 02/11/2003</p>		
<u>178</u>	<i>Filed:</i> <i>Entered:</i>	02/10/2003 02/11/2003	plea agreement
	<p><i>Docket Text:</i> PLEA Agreement as to Enaam M Arnaout (emd)</p>		
<u>180</u>	<i>Filed:</i> <i>Entered:</i>	02/10/2003 02/11/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 2/10/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The clerk of court is ordered to pay for the jury luncheon provide on 2/10/03. No notice (meg)</p>		
<u>174</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	02/07/2003 02/10/2003 02/10/2003	motion to strike
	<p><i>Docket Text:</i> MOTION by Enaam M Arnaout to strike date of offense and overt acts alleged in count two (Attachments) (meg)</p>		

<u>175</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	02/07/2003 02/10/2003 02/10/2003	motion to strike
	<i>Docket Text:</i> MOTION by Enaam M Arnaout to strike references to Al Qaeda from second superceding indictment (Attachments) (meg)		
<u>176</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	02/07/2003 02/10/2003 02/10/2003	motion in limine
	<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to preclude the government from referring to Al Qaeda and related organizations during opening statements (Attachments) (meg)		
<u>179</u>	<i>Filed:</i> <i>Entered:</i>	02/07/2003 02/11/2003	notice
	<i>Docket Text:</i> NOTICE of its intention to seek the admission of evidence pursuant to Federal Rule of Evidence 807 by USA (meg)		
<u>227</u>	<i>Filed:</i> <i>Entered:</i>	02/05/2003 10/02/2003	text entry
	<i>Docket Text:</i> PROPOSED cautionary instruction No. 1 by USA (yap)		
<u>173</u>	<i>Filed:</i> <i>Entered:</i>	02/04/2003 02/05/2003	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 2/4/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for leave to file under seal its appendix to its bill of particulars is granted [170-1]. Mailed notice by judge's staff (emd)		
<u>168</u>	<i>Filed:</i> <i>Entered:</i>	02/03/2003 02/04/2003	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 2/3/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: The court does not find by a preponderance of the evidence that the government's Santiago proffer satisfies the requirements for admissibility under the co-conspirator exception to the hearsay rule, Fed.R.Evid. 801(d)(2)(E). Defendant's objections to the proffer are moot. Entered Memorandum Opinion and Order. Mailed notice by judge's staff (emd)		
<u>169</u>	<i>Filed:</i> <i>Entered:</i>	02/03/2003 02/04/2003	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 2/3/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Counsel are requested to submit proposed cautionary and limiting instructions to chambers by 2/5/03. Mailed notice by judge's staff (emd)		
<u>170</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	02/03/2003 02/05/2003 02/04/2003	motion for leave to
	<i>Docket Text:</i> MOTION by USA for leave to file under seal its appendix to its bill of particulars as to defendant Enaam M Arnaout (emd)		

<u>171</u>	<i>Filed:</i> <i>Entered:</i>	02/03/2003 02/05/2003	text entry
<i>Docket Text:</i> BILL of particulars by USA (emd)			
<u>164</u>	<i>Filed:</i> <i>Entered:</i>	01/31/2003 02/03/2003	supplement
<i>Docket Text:</i> SUPPLEMENT by Enaam M Arnaout to his motion in limine to preclude reference to alleged bad acts of other individuals; (Attachment). (emd)			
<u>165</u>	<i>Filed:</i> <i>Entered:</i>	01/31/2003 02/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/31/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's renewed motion for a bill of particulars is granted [160-1]. To prepare his defense, defendant has shown a compelling need for the information listed. On 2/3/03, the government shall file a bill of particulars identifying the following: (1) the specific acts or transactions that the government will claim at trial constituted material support to al Qaeda by defendant or his co-conspirators; (2) any documents that the government will claims supports the allegation that defendant and/or his co-conspirators provided material support to al Qaeda; and (3) any witness statements, memoranda, attorney notes or agent notes that supporting the government claim that defendant and/or his co-conspirators provided material support to al Qaeda. Mailed notice by judge's staff (emd)			
<u>166</u>	<i>Filed:</i> <i>Entered:</i>	01/31/2003 02/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/31/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The order issued 1/30/03, denying in part defendant's motion in limine to preclude alleged bad acts of other individuals, is amended to add the following sentence: The government shall not refer to Mohamed Loay Bayazid in its opening statement. (See reverse of minute order.) Mailed notice by judge's staff (emd)			
<u>159</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/30/2003 01/31/2003 01/30/2003	motion for leave to
<i>Docket Text:</i> MOTION by Enaam M Arnaout for leave to file supplement to his motion in limine to preclude reference to alleged bad acts of other individuals (emd)			
<u>160</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/30/2003 01/31/2003 01/31/2003	motion for bill of particulars
<i>Docket Text:</i> RENEWED MOTION by Enaam M Arnaout for a bill of particulars (emd)			
<u>161</u>	<i>Filed:</i> <i>Entered:</i>	01/30/2003 01/31/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/30/03 by Hon. Suzanne B. Conlon as to			

	Enaam M Arnaout : Defendant's motion for leave to file supplement to his motion in limine to preclude reference to alleged bad acts of other individuals is granted in part [159-1]. Defendant shall file his supplement to his motion in limine to preclude reference to alleged bad acts of other individuals on the public record without exhibit A. Mailed notice by judge's staff (emd)		
<u>162</u>	<i>Filed:</i> <i>Entered:</i>	01/30/2003 02/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/30/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude evidence of historical events, etc. is deferred until trial. Defendant persuasively argues that a significant amount of the government's Santiago proffer contains materials that are not relevant to him nor probative of the charges in the indictment(s), but rather are highly prejudicial matters improperly suggesting guilt by association. Defendant and the government each rely on contrasting characterizations of the disputed matters. And the government has indicated its does not intend to offer a significant portion of the exhibits identified in its Santiago proffer into evidence. Under these circumstances, it is inappropriate to rule on these admissibility issues before trial. Mailed notice by judge's staff (emd)			
<u>163</u>	<i>Filed:</i> <i>Entered:</i>	01/30/2003 02/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/30/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to preclude alleged bad acts of other individuals [94-1] is moot as to allegations concerning Mamdouh Salim's criminal history, telephone contact between BIF and Mohamed Bayazid, Bayazid's travel to the Philippines and his possession of a driver's license with BIF's address while in the company of bin Laden relatives in California. The government states it will not offer such matters in its case-in-chief and will advise defense counsel at sidebar before referring to these matters in the jury's presence. The remainder of the motion is denied. Defendant has not established that the purported evidence is inadmissible on all possible grounds; he may make appropriate objections when the evidence is offered. Argument as to whether these matters should be excluded under Fed.R.Evid. 401 or 403 will be conducted outside the jury's presence. Mailed notice by judge's staff (emd)			
<u>154</u>	<i>Filed & Entered:</i>	01/29/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/29/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The motion to unseal the Santiago proffer having been granted, Chicago Tribune is dismissed as an intervenor. Mailed notice by judge's staff (emd)			
<u>155</u>	<i>Filed & Entered:</i>	01/29/2003	text entry
<i>Docket Text:</i> ACKNOWLEDGMENT of receipt of sealed documents 79, 80, 81 and 82 by USA on 1/29/03. (emd) Modified on 01/29/2003			
<u>157</u>	<i>Filed:</i> <i>Entered:</i>	01/29/2003 01/30/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/29/03 by Hon. Suzanne B. Conlon as to			

	Enaam M Arnaout : Defendant's motion in limine to exclude items seized in Bosnia [93-1] is moot. The government agrees not to offer into evidence the items identified in this motion, unless the items become relevant for impeachment purposes or defendant otherwise "opens the door." The government shall notify the court and defense counsel at sidebar before mentioning these items in the jury's presence. Mailed notice by judge's staff (emd)		
<u>158</u>	<i>Filed:</i> <i>Entered:</i>	01/29/2003 01/30/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/29/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude Bosnian video is denied [95-1]. The motion is predicated on the fact the video is copyrighted by LBI, and that in defendant's view BIF-USA and LBI are two separate and distinct entities. From this premise, defendant concludes a video produced by LBI is irrelevant to the issues in this case. It is clear from the government's response that the relationship between LBI and BIF-USA is a disputed issue of fact not subject to resolution by pretrial motion. In essence, this motion implicates foundational issues, which must also be resolved at trial. Mailed notice by judge's staff (emd)			
<u>149</u>	<i>Filed:</i> <i>Entered:</i>	01/28/2003 01/29/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/28/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The 1/28/03 order granting Chicago Tribune's motion for immediate unsealing of the government's Santiago proffer and related motions in limine is corrected as follows: the clerk shall unseal the government's evidentiary proffer supporting admissibility of co-conspirator statements (78-1), which was misidentified in the original order as (110-1). The clerk is further ordered to unseal the government's reply to defendant's response and objections to the government's Santiago proffer filed on 1/27/03. Mailed notice by judge's staff (emd)			
<u>150</u>	<i>Filed:</i> <i>Entered:</i>	01/28/2003 01/29/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/28/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Chicago Tribune's motion for immediate unsealing of the government's Santiago proffer and related motions in limine is granted; the request for unsealing the appendix to the Santiago proffer is moot. The clerk is ordered to unseal the following: government's evidentiary proffer supporting admissibility of co-conspirator statements (110-1); defendant's response and objections to Santiago proffer (129-1); defendant's motion to preclude reference to alleged bad acts of others (94-1) and government's response (124-1); defendant's motion to exclude Bosnian video (95-1) and government's response (126-1); defendant's motion to exclude items seized in Bosnia (93-1) and government's response (125-1); defendant's motion to exclude evidence of historical events, etc. (90-1) and government's response (127-1). (See reverse of minute order.) Mailed notice by judge's staff (emd)			
<u>151</u>	<i>Filed:</i> <i>Entered:</i>	01/28/2003 01/29/2003	minutes - miscellaneous

Via INTELWIRE.com

	<p><i>Docket Text:</i> MINUTE ORDER of 1/28/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Arraignment hearing held. Defendant pleads not guilty to second superseding indictment. Defendant waives formal reading of second superseding indictment. All previously set dates stand. Government's oral motion to voluntarily dismiss count 3 of the second superseding indictment is granted [0-1]. Count 3 of the second superseding indictment is dismissed without prejudice. Defendant's motion to depose foreign witness is granted in part and denied in part [145-1]. Defendant is granted leave to take the deposition of Muzafr Kahn. Defendant's request to allow the deposition to be admitted into evidence is denied as premature. The motion will not be heard on 1/30/03 as noticed. The 4-volume appendix attached to government's Santiago proffer is stricken for reasons stated in open court. The clerk is ordered to return the 4-volume appendix to the government. Mailed notice by judge's staff (emd)</p>		
<u>152</u>	<i>Filed:</i> <i>Entered:</i>	01/28/2003 01/29/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 1/28/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant having been informed of his right to jury identification and voluntarily waiving that right, the parties' joint motion for an anonymous jury is granted [134-1]. The court finds that non-disclosure of juror identification information is justified for the reasons stated in the motion. Mailed notice by judge's staff (emd)</p>		
<u>153</u>	<i>Filed:</i> <i>Entered:</i>	01/28/2003 01/29/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 1/28/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for leave to file a reply to defendant's Santiago objections in excess of fifteen pages is granted [147-1], [137-1]. Mailed notice by judge's staff (emd)</p>		
<u>141</u>	<i>Filed:</i> <i>Entered:</i>	01/27/2003 01/28/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 1/27/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude reference to matters regarding Mr. Arnaout's personal life is moot in part, granted in part and denied in part [102-1]. (See reverse of minute order.) Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>		
<u>142</u>	<i>Filed:</i> <i>Entered:</i>	01/27/2003 01/28/2003	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 1/27/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude certain articles found in trash is deferred until trial. At present, the evidence at issue does not appear to be related to the charges against Enaam Arnaout. The government predicates admissibility on unproven allegations against two other individuals; the admissibility of their conduct against Arnaout is also in issue. Accordingly, the government shall not refer to this evidence in the jury's presence pending a ruling at</p>		

	<p>trial. The court notes that although the evidence in issue is part of the public record in prior charges against Arnaout (Gov't Exs. 25-26 to 6/10/02 detention hearing), this motion was filed under seal. The clerk is ordered to unseal defendant's motion in limine to exclude certain articles found in trash (91-1) and the government's response to this motion (128-1). Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>		
<u>143</u>	<i>Filed:</i> <i>Entered:</i>	01/27/2003 01/28/2003	minutes - miscellaneous
<p><i>Docket Text:</i> MINUTE ORDER of 1/27/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The government's consolidated motions in limine are moot [97-1]. (See reverse of minute order.) Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>			
<u>144</u>	<i>Filed:</i> <i>Entered:</i>	01/27/2003 01/28/2003	minutes - miscellaneous
<p><i>Docket Text:</i> MINUTE ORDER of 1/27/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude references to his conversation with Hroon on 04/15/02 is denied [101-1]. This motion is predicated on defendant's characterization of - and inferences drawn from - the recorded conversation. Based on the transcript, the government reasonably disputes defendant's innocent interpretation, and shows his statements are arguably probative of his knowledge of material facts. Defendant has not established that the Hroon conversation is inadmissible. Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>			
<u>145</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/27/2003 01/29/2003 01/28/2003	motion for miscellaneous relief
<p><i>Docket Text:</i> MOTION by Enaam M Arnaout to depose foreign witness (Attachments); Notice. (emd)</p>			
<u>146</u>	<i>Filed:</i> <i>Entered:</i>	01/27/2003 01/29/2003	minutes - miscellaneous
<p><i>Docket Text:</i> MINUTE ORDER of 1/27/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude references to statements allegedly made to the Chicago Tribune newspaper is deferred until trial. The government shall not refer to the statements until the court rules on this motion. (See reverse of minute order.) Mailed notice by judge's staff (emd)</p>			
<u>147</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/27/2003 01/29/2003 01/28/2003	motion for leave to
<p><i>Docket Text:</i> MOTION by USA for leave to file response in excess of fifteen pages to defendant's response and objections to government's santiago proffer as to defendant Enaam M Arnaout (emd)</p>			
<u>148</u>	<i>Filed:</i>	01/27/2003	reply

	<p><i>Entered:</i> 01/29/2003</p> <p><i>Docket Text:</i> REPLY by USA to defendant's response and objections to the government's santiago proffer. (emd)</p>
<u>138</u>	<p><i>Filed:</i> 01/24/2003 minutes - miscellaneous</p> <p><i>Entered:</i> 01/27/2003</p> <p><i>Docket Text:</i> MINUTE ORDER of 1/24/03 by Hon. Suzanne B. Conlon as to Benevolence Intl, Enaam M Arnaout : Defendant Benevolence International Foundation having been dismissed by Magistrate Judge Levin (see order of 10/10/02), the clerk is directed to change the case caption on the docket to USA v. Enaam M. Arnaout. Mailed notice by judge's staff (emd)</p>
<u>139</u>	<p><i>Filed:</i> 01/24/2003 minutes - miscellaneous</p> <p><i>Entered:</i> 01/27/2003</p> <p><i>Docket Text:</i> MINUTE ORDER of 1/24/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : (Entered Findings Requesting the Acting Chief Judge to Issue Security Guidelines) Mailed notice by judge's staff (emd)</p>
<u>140</u>	<p><i>Filed:</i> 01/24/2003 minutes - miscellaneous</p> <p><i>Entered:</i> 01/28/2003</p> <p><i>Docket Text:</i> MINUTE ORDER of 1/24/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Pretrial conference held. Arraignment on the second superseding indictment is set on 1/28/03 at 9:00am. Defendant shall file any supplemental submissions as to the Santiago proffer or motions in limine by 1/31/03. Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>
<u>135</u>	<p><i>Filed:</i> 01/23/2003 minutes - miscellaneous</p> <p><i>Entered:</i> 01/24/2003</p> <p><i>Docket Text:</i> MINUTE ORDER of 1/23/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for leave to file reply to defendant's response and objections to the government's Santiago proffer is granted. The government's reply is due 1/27/03. Mailed notice by judge's staff (emd)</p>
<u>136</u>	<p><i>Filed:</i> 01/23/2003 reply to motion</p> <p><i>Entered:</i> 01/24/2003</p> <p><i>Docket Text:</i> REPLY memorandum by Chgo Tribune Co in support of it's motion for immediate access to public records under seal. (emd)</p>
<u>122</u>	<p><i>Filed:</i> 01/22/2003 motion for leave to file excess pages</p> <p><i>Entered:</i> 01/23/2003</p> <p><i>Terminated:</i> 01/22/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout to file defendant's response and objections to the government's santiago proffer in excess of 15 pages (las)</p>
<u>123</u>	<p><i>Filed:</i> 01/22/2003 minutes - miscellaneous</p> <p><i>Entered:</i> 01/23/2003</p> <p><i>Docket Text:</i> MINUTE ORDER of 1/22/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for leave to file response in excess of</p>

	fifteen pages and defendant's motion to file defendant's response and objections to the government's santiago proffer in excess 15 pages are granted [122-1]. Mailed notices by judge's staff. (las)		
<u>129</u>	<i>Filed:</i> <i>Entered:</i>	01/22/2003 01/24/2003	response
	<i>Docket Text:</i> RESPONSE by Enaam M Arnaout and objections to the government's Santiago proffer. (emd) Modified on 01/30/2003		
<u>130</u>	<i>Filed:</i> <i>Entered:</i>	01/22/2003 01/24/2003	indictment
	<i>Docket Text:</i> SUPERSEDING indictment Enaam M Arnaout (2) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss (emd)		
<u>131</u>	<i>Filed:</i> <i>Entered:</i>	01/22/2003 01/24/2003	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 1/22/03 by Hon. Nan R. Nolan as to Enaam M Arnaout : Detention order previously entered in 02cr892 to stand. No notice (emd)		
<u>132</u>	<i>Filed:</i> <i>Entered:</i>	01/22/2003 01/24/2003	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 1/22/03 by Hon. James F. Holderman as to Enaam M Arnaout : It appearing that the grand jury foreman has signed on the wrong signature line on the minute order dated 1/22/03 which accompanies the second superseding indictment, It is hereby ordered that the second superseding indictment shall remain in the public record. No notice (emd)		
<u>133</u>	<i>Filed:</i> <i>Entered:</i>	01/22/2003 01/24/2003	designation form
	<i>Docket Text:</i> DESIGNATION SHEET FELONY Category 3 (emd)		
<u>114</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/22/2003	response
	<i>Docket Text:</i> RESPONSE by Enaam M Arnaout to government's consolidated motions in limine [97-1] (las)		
<u>115</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/22/2003	response
	<i>Docket Text:</i> RESPONSE by Enaam M Arnaout to the government's opposition to sealing the santiago proffer [103-1] with their response to Chicago Tribune's request for immediate access to the government's santiago proffer (Attachments) (las)		
<u>116</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/22/2003	response
	<i>Docket Text:</i> RESPONSE by plaintiff to defendant's motion in limine to exclude references to statements allegedly made to the Chicago Tribune newspaper [98-1] (Attachments) (las)		

<u>117</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/22/2003	response
<i>Docket Text:</i> RESPONSE by plaintiff to defendant's motion in limine to exclude references to defendant's conversation with Hroon on 04/15/02 [101-1] (las)			
<u>118</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/22/2003	response
<i>Docket Text:</i> RESPONSE by plaintiff to defendant's motion in limine to exclude reference to matters regarding Mr. Arnaout's personal life [102-1] (las)			
<u>121</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/23/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/21/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for entry of a protective order as to defendant Enaam M Arnaout is granted [120-1]. (Entered Protective Order). Mailed notice by judge's staff. (las)			
<u>124</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/24/2003	response to motion
<i>Docket Text:</i> RESPONSE by USA to defendant Enaam Arnaout's motion in limine to preclude reference to alleged bad acts of other individuals [94-1]. (emd) Modified on 01/30/2003			
<u>125</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/24/2003	response to motion
<i>Docket Text:</i> RESPONSE by USA to Enaam Arnout's motion in limine to exclude items seized in Bosnia [93-1]. (emd) Modified on 01/30/2003			
<u>126</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/24/2003	response to motion
<i>Docket Text:</i> RESPONSE by USA to Enaam Arnaout's motion in limine to exclude Bosnian video [95-1]. (emd) Modified on 01/30/2003			
<u>127</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/24/2003	response to motion
<i>Docket Text:</i> RESPONSE by USA to Enaam Arnaout's motion in limine to exclude evidence of historical events prior to the formation of BIF-USA and references to Osama Bin Laden, Al Qaeda Hekmatyar, and Hezb E Islami [90-1]. (emd) Modified on 01/30/2003			
<u>128</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/24/2003	response to motion
<i>Docket Text:</i> RESPONSE by USA to Enaam Arnaout's motion in limine to exclude certain articles found in trash [91-1]. (emd) Modified on 01/28/2003			
<u>156</u>	<i>Filed:</i> <i>Entered:</i>	01/21/2003 01/30/2003	petition
<i>Docket Text:</i> MOTION for leave to file response in excess of fifteen pages by USA			

	(emd)		
<u>120</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/17/2003 01/23/2003 01/21/2003	motion for order
<i>Docket Text:</i> AGREED MOTION by USA for entry of a protective order as to defendant Enaam M Arnaout (las)			
<u>110</u>	<i>Filed:</i> <i>Entered:</i>	01/16/2003 01/17/2003	text entry
<i>Docket Text:</i> EVIDENTIARY proffer by USA supporting the admissiblity of coconspirator statements (yap)			
<u>113</u>	<i>Filed:</i> <i>Entered:</i>	01/16/2003 01/17/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/16/03 by Hon. Suzanne B. Conlon as to Chgo Tribune Co : The Chicago Tribune's motion to intervene is granted. Its motion for immediate access to public records under seal is granted in part and taken under advisement in part [112-1]. The government shall re-file the title page of its evidentiary (Santiago) proffer supporting the admissibility of coconspirator statements as well as pages 5 through 14 only. Objections to immediate unsealing of any specific portions (identified by page numbers) of the remainder of the Santiago proffer shall be filed by 1/21/03. The Chicago Tribune is granted leave to file a reply by 1/23/03. To expedite a ruling, it is requested that courtesy copies of all filings be promptly submitted to chambers. Mailed notice by judge's staff (emd)			
<u>105</u>	<i>Filed:</i> <i>Entered:</i>	01/15/2003 01/16/2003	response
<i>Docket Text:</i> RESPONSE by USA to defendant's motion in limine to exclude evidence of the designation of BIF-USA as a specially designated global terrorist [99-1] (yap)			
<u>106</u>	<i>Filed:</i> <i>Entered:</i>	01/15/2003 01/16/2003	response
<i>Docket Text:</i> RESPONSE by USA to defendant's motion in limine to exclude evidence regarding anonymous donations from Swiss bank account [100-1] (yap)			
<u>107</u>	<i>Filed:</i> <i>Entered:</i>	01/15/2003 01/16/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/15/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Counsel for both the government and the defendant have informally requested that the names and personal information about jury panel members and jurors not be made public. In accordance with the directives of the United States Court of Appeals in United States v. Mansoori, 304 F.3d 635, 648-52 (7th Cir. 2002), the court must make appropriate findings justifying non-disclosure of juror identity. Accordingly, counsel shall submit to the court, under seal if necessary, the bases for suppressing juror identification information by 1/22/03. Mailed notice by judge's staff (emd)			

108	<i>Filed:</i> <i>Entered:</i>	01/15/2003 minutes - miscellaneous 01/16/2003
<i>Docket Text:</i> MINUTE ORDER of 1/15/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion in limine to exclude evidence of the designation of BIF-USA as a specially designated global terrorist [99-1] is moot, based on the government's representation it does not intend to offer such evidence in its case-in-chief. Mailed notice by judge's staff (emd)		
109	<i>Filed:</i> <i>Entered:</i>	01/15/2003 minutes - miscellaneous 01/16/2003
<i>Docket Text:</i> MINUTE ORDER of 1/15/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion to exclude evidence regarding anonymous donations from Swiss bank account [100-1] is moot as to the request to strike 9(h) and 9(i) of the superceding indictment. The motion to exclude evidence related to the wire transfers is denied, based on the government's representation that it may call the Swiss Bank donor as a witness allegedly victimized by defendant's fraud. Mailed notice by judge's staff (emd)		
111	<i>Filed:</i> <i>Entered:</i>	01/15/2003 minutes - miscellaneous 01/17/2003
<i>Docket Text:</i> MINUTE ORDER of 1/15/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Upon application of the official court reporter, the court finds that preparation of daily transcripts of trial proceedings will not be reasonable based upon the following considerations (1) trial will proceed five days a week (2) each trial day will last from 9:00am to 4:30pm (3) after trial recesses each day the court will hear motions in this and in other cases on its docket (4) the reporter estimates that the length of trial transcripts each day will be approximately 350 pages (5) the case is complex involving a significant number of foreign names and places, foreign language terms, and interpreters in at least three languages (6) daily preparation of the transcript normally involves two or three court reporters (7) preparation of the official transcript by one reporter is preferable because of continuity, consistency and proof-reading considerations and (8) preparation of daily transcripts by one reporter is physically impossible as it would require her to work throughout the night preparing, proof-reading, copying and binding at least five transcripts each night. Accordingly absent unusual circumstances, requests for daily or partial transcripts during trial shall not be granted. Mailed notice by judge's staff (emd) Modified on 01/27/2003		
103	<i>Filed:</i> <i>Entered:</i>	01/14/2003 memorandum in opposition 01/15/2003
<i>Docket Text:</i> OPPOSITION by USA to motion to seal Santiago proffer (ar)		
104	<i>Filed:</i> <i>Entered:</i>	01/14/2003 objection 01/15/2003
<i>Docket Text:</i> REVISED OBJECTIONS by Enaam M Arnaout to Government's revised proposed jury instructions (Attachments) (ar)		
87	<i>Filed:</i>	01/13/2003 memorandum in support

	<i>Entered:</i>	01/14/2003	
<i>Docket Text:</i> MEMORANDUM by Chgo Tribune Co in support of its motion to intervene and for immediate access to public records under seal (Attachments) (ar)			
<u>88</u>	<i>Filed:</i>	01/13/2003	notice of attorney appearance - defendant
<i>Entered:</i> 01/14/2003			
<i>Docket Text:</i> APPEARANCE of Attorney for Chgo Tribune Co by Natalie J. Spears and Leslie D. Davis (ar)			
<u>89</u>	<i>Filed:</i>	01/13/2003	minutes - miscellaneous
<i>Entered:</i> 01/14/2003			
<i>Docket Text:</i> MINUTE ORDER of 1/13/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The government shall resubmit its proposed jury instructions with each instruction numbered. Defendant is granted leave to file amended objections to the government's proposed jury instructions identifying the instructions by number. Notice mailed by Judge's staff (ar)			
<u>90</u>	<i>Filed:</i>	01/13/2003	motion in limine
<i>Entered:</i> 01/15/2003			
<i>Terminated:</i> 08/18/2003			
<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude evidence of historical events prior to the formation of BIF-USA and references to Osama Bin Laden, Al Qaeda Hekmatyar, and Hezb E Islami (meg) Modified on 01/30/2003			
<u>91</u>	<i>Filed:</i>	01/13/2003	motion in limine
<i>Entered:</i> 01/15/2003			
<i>Terminated:</i> 08/18/2003			
<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude certain articles found in trash (Attachment). (meg) Modified on 01/28/2003			
<u>93</u>	<i>Filed:</i>	01/13/2003	motion in limine
<i>Entered:</i> 01/15/2003			
<i>Terminated:</i> 01/29/2003			
<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude items seized in Bosnia (meg) Modified on 01/30/2003			
<u>94</u>	<i>Filed:</i>	01/13/2003	motion in limine
<i>Entered:</i> 01/15/2003			
<i>Terminated:</i> 01/30/2003			
<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to preclude reference to alleged bad acts of other individuals (meg) Modified on 01/30/2003			
<u>95</u>	<i>Filed:</i>	01/13/2003	motion in limine
<i>Entered:</i> 01/15/2003			
<i>Terminated:</i> 01/29/2003			
<i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude Bosnian video (meg) Modified on 01/30/2003			
<u>97</u>	<i>Filed:</i>	01/13/2003	motion in limine

Via INTELWIRE.com

	<p><i>Entered:</i> 01/15/2003 <i>Terminated:</i> 01/27/2003</p> <p><i>Docket Text:</i> CONSOLIDATED MOTIONS by USA in limine as to defendant Enaam M Arnaout regarding (I) Forms of argument or evidence designed to elicit jury nullification, (II) Argument about missing witnesses and the missing jury instruction, (III) Penalties faced by defendant, and (IV) Discovery requests or commentary regarding discovery in presence of jury (ar)</p>
<u>98</u>	<p><i>Filed:</i> 01/13/2003 motion in limine</p> <p><i>Entered:</i> 01/15/2003</p> <p><i>Terminated:</i> 08/18/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude references to statements allegedly made to the Chicago Tribune newspaper (Attachment) (ar)</p>
<u>99</u>	<p><i>Filed:</i> 01/13/2003 motion in limine</p> <p><i>Entered:</i> 01/15/2003</p> <p><i>Terminated:</i> 01/15/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude evidence of the designation of BIF-USA as a specially designated global terrorist (Attachment) (ar)</p>
<u>100</u>	<p><i>Filed:</i> 01/13/2003 motion in limine</p> <p><i>Entered:</i> 01/15/2003</p> <p><i>Terminated:</i> 01/15/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude evidence regarding anonymous donations from Swiss bank account (ar)</p>
<u>101</u>	<p><i>Filed:</i> 01/13/2003 motion in limine</p> <p><i>Entered:</i> 01/15/2003</p> <p><i>Terminated:</i> 01/27/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude references to defendant's conversation with Hroon on 04/15/02 (Attachments) (ar)</p>
<u>102</u>	<p><i>Filed:</i> 01/13/2003 motion in limine</p> <p><i>Entered:</i> 01/15/2003</p> <p><i>Terminated:</i> 01/27/2003</p> <p><i>Docket Text:</i> MOTION by Enaam M Arnaout in limine to exclude reference to matters regarding Mr. Arnaout's personal life (Attachment) (ar)</p>
<u>112</u>	<p><i>Filed:</i> 01/13/2003 motion for miscellaneous relief</p> <p><i>Entered:</i> 01/17/2003</p> <p><i>Terminated:</i> 01/16/2003</p> <p><i>Docket Text:</i> MOTION by Chicago Tribune Co to intervene and for immediate access to public records under seal ; Notice. (emd) Modified on 01/27/2003</p>
<u>224</u>	<p><i>Filed:</i> 01/13/2003 objection</p> <p><i>Entered:</i> 10/02/2003</p> <p><i>Docket Text:</i> OBJECTIONS by USA to defendant Enaam M. Arnaout's proposed juror questionnaire and voir dire (yap)</p>

<u>225</u>	<i>Filed:</i> <i>Entered:</i>	01/13/2003 10/02/2003	jury instructions
<i>Docket Text:</i> REVISED PROPOSED JURY Instructions by USA (yap)			
<u>226</u>	<i>Filed:</i> <i>Entered:</i>	01/13/2003 10/02/2003	objection
<i>Docket Text:</i> OBJECTIONS by defendant Enaam M Arnaout to Government's proposed jury instructions [225-1] (yap)			
<u>86</u>	<i>Filed:</i> <i>Entered:</i>	01/09/2003 01/13/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/9/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Pretrial conference held. The transcript of the proceedings is ordered sealed until further order of the court. Motions in limine and responses pertaining to the Santiago proffer are to be filed under seal until further order of the court. Government's oral request for early return of trial subpoenas is granted. Mailed notice by judge's staff (emd)			
<u>83</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/07/2003 01/09/2003 01/07/2003	motion to expedite
<i>Docket Text:</i> MOTION by Enaam M Arnaout for early return of trial subpoenas ; Notice (ar)			
<u>84</u>	<i>Filed:</i> <i>Entered:</i>	01/07/2003 01/09/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/7/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant Arnaout's motion for early return of trial subpoenas is granted [83-1]. The motion will not be heard on 01/14/03 as noticed. Notice mailed by Judge's staff (ar)			
<u>76</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	01/06/2003 01/07/2003 01/06/2003	motion for order
<i>Docket Text:</i> EMERGENCY MOTION by Enaam M Arnaout for order requiring the Santiago proffer to be filed under seal ; Notice (yap)			
<u>77</u>	<i>Filed:</i> <i>Entered:</i>	01/06/2003 01/07/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/6/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant's emergency motion for order requiring the Santiago proffer to be filed under seal [76-1] is granted. The Santiago proffer is sealed pending further order by the court. Mailed notices by judge's staf; Telephoned notice (yap)			
<u>78</u>	<i>Filed:</i> <i>Entered:</i>	01/06/2003 01/07/2003	text entry
<i>Docket Text:</i> EVIDENTIARY proffer by USA supporting the admissibility of coconspirator statements. (emd) Modified on 01/29/2003			

<u>223</u>	<i>Filed:</i> <i>Entered:</i>	01/06/2003 10/02/2003	text entry
<i>Docket Text:</i> PROPOSED juror questionaire by USA (yap)			
<u>72</u>	<i>Filed:</i> <i>Entered:</i>	01/02/2003 01/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/2/03 by Hon. Suzanne B. Conlon as to defendant Enaam M Arnaout : Arraignment hearing held. Defendant Enaam M Arnaout pleads not guilty plea to superseding indictment. Defendant waives formal reading of the superseding indictment. All previously set dates stand. Pretrial motions previously filed stand as to the superseding indictment. Government is granted leave to file Santiago proffer in excess of the 15 page limit. Mailed notice (kmt)			
<u>73</u>	<i>Filed:</i> <i>Entered:</i>	01/02/2003 01/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/2/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Defendant's motion to dismiss portions of counts one and two of the superseding indictment [42-1] is denied. Entered Amended Memorandum Opinion and Order. Mailed notices by judge's staff (yap)			
<u>74</u>	<i>Filed:</i> <i>Entered:</i>	01/02/2003 01/03/2003	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 1/2/03 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Government's motion to exclude time under the speedy trial act is granted. (Entered Order). Mailed notices by judge's staff (yap)			
<u>75</u>	<i>Filed:</i> <i>Entered:</i>	01/02/2003 01/06/2003	motion to exclude
<i>Docket Text:</i> MOTION by USA to exclude time under the speedy trial act as to defendant Enaam M Arnaout (Attachment). (emd)			
<u>71</u>	<i>Filed:</i> <i>Entered:</i>	12/19/2002 12/27/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 12/19/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Arraignment on the superseding indictment is set on 1/2/03. at 9:00 a.m. Mailed notices by judge's staff (yap)			
<u>68</u>	<i>Filed:</i> <i>Entered:</i>	12/18/2002 12/19/2002	indictment
<i>Docket Text:</i> SUPERSEDING indictment Enaam M Arnaout (2) count(s) 1s, 2s, 3s, 4s, 5s-6s, 7s (meg)			
<u>69</u>	<i>Filed:</i> <i>Entered:</i>	12/18/2002 12/19/2002	designation form
<i>Docket Text:</i> DESIGNATION SHEET FELONY Category III (meg)			
<u>70</u>	<i>Filed:</i> <i>Entered:</i>	12/18/2002 12/19/2002	minutes - miscellaneous

	<p><i>Docket Text:</i> MINUTE ORDER of 12/18/02 by Honorable Michael T. Mason as to Enaam M Arnaout : Detention order previously issued in 02 CR 892 to stand, granted. No notice (meg)</p>		
<u>67</u>	<i>Filed:</i> <i>Entered:</i>	12/17/2002 12/18/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/17/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion to dismiss portions of Counts One and Two is denied [42-1]. Entered Memorandum Opinion and Order. Notice mailed by Judge's staff (ar)</p>		
<u>58</u>	<i>Filed:</i> <i>Entered:</i>	12/16/2002 12/17/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/16/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion for a bill of particulars is denied without prejudice as premature [41-1]. (See reverse of minute order for details.) Notice mailed by Judge's staff (ar)</p>		
<u>59</u>	<i>Filed:</i> <i>Entered:</i>	12/16/2002 12/17/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/16/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motions to suppress evidence seized on 12/14/01 [44-1] and for a hearing to determine whether electronic surveillance was lawfully obtained [45-1] are denied. The court reviewed ex parte and in camera classified documents pertaining to the electronic surveillance and physical searches pursuant to the Foreign Intelligence Surveillance Act, 50 U.S.C. Sections 1806(f), 1825(g). The court finds compliance with all FISA requirements. The electronic surveillance and physical searches were lawful. Disclosure of these classified documents would harm national security. Therefore, discovery or an adversary hearing are not permissible. The fact a significant purpose of the electronic surveillance and physical searches was to obtain foreign intelligence information does not preclude use of resulting evidence in a criminal prosecution. See United States v. Rahman, 861 F.Supp., 247, 251 (S.D.N.Y. 1994) (recognizing frequent congruence between foreign intelligence information and evidence of criminal wrongdoing). Notice mailed by Judge's staff (ar)</p>		
<u>60</u>	<i>Filed:</i> <i>Entered:</i>	12/16/2002 12/17/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/16/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion for a hearing regarding the constitutionality of the Bosnian searches is denied [46-1]. Of the eight Bosnian searches, only one was of defendant's property - an apartment. The government does not intend to offer any items seized from defendant's apartment. Response at 3. Defendant lacks standing to challenge the other seven searches because he does not show his privacy interests are implicated under the Fourth Amendment as to the other locations searched. Nor has he raised any issue of material fact requiring a hearing. Notice mailed by Judge's staff notice (ar)</p>		

<u>65</u>	<i>Filed:</i> <i>Entered:</i>	12/16/2002 12/17/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 12/16/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's renewed motion for discovery of intercepted attorney-client communications [55-1] is moot based upon the government's ex parte, in camera representations that defendant has not been the subject of electronic surveillance under Title III or the Foreign Intelligence Surveillance Act since his arrest on 04/30/02 and that conversations between defendant and his attorneys have not been recorded by the government or prison officials during his detention at the MCC. Notice mailed by Judge's staff (ar)			
<u>57</u>	<i>Filed:</i> <i>Entered:</i>	12/13/2002 12/16/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 12/13/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: CIPA pretrial conference held in camera. The transcript of the proceedings is ordered sealed until further order of the court. Defendant is granted leave to file reply briefs supporting motions to dismiss and for a bill of particulars. This motion will not be heard as noticed on 12/18/02. The government shall submit classified information for in camera review on 12/13/02. The trial date on 2/3/03 is reset on 2/10/03 at 9:00 a.m. Pretrial conference regarding jury selection matters set on 1/9/03 at 4:00 p.m. Mailed notices by judge's staff (yap)			
<u>61</u>	<i>Filed:</i> <i>Entered:</i>	12/13/2002 12/17/2002	response
<i>Docket Text:</i> RESPONSE by USA to defendant Enaam Arnaout's motion for discovery of intercepted attorney-client communications [55-1] (Attachments) (yap)			
<u>62</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	12/13/2002 12/17/2002 08/18/2003	motion for miscellaneous relief
<i>Docket Text:</i> RENEWED MOTION by Enaam M Arnaout for discovery of intercepted attorney-client communications (Attachments) (yap) Modified on 02/06/2003			
<u>63</u>	<i>Filed:</i> <i>Entered:</i>	12/13/2002 12/17/2002	reply
<i>Docket Text:</i> REPLY by Enaam M Arnaout in support of his motion to dismiss portions of counts one and two [42-1] re [42-1] (yap)			
<u>64</u>	<i>Filed:</i> <i>Entered:</i>	12/13/2002 12/17/2002	reply
<i>Docket Text:</i> REPLY by Enaam M Arnaout in support of his motion for a bill of particulars [41-1] (yap)			
<u>66</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	12/13/2002 12/17/2002 08/18/2003	motion for leave to
<i>Docket Text:</i> UNOPPOSED MOTION by Enaam M Arnaout for leave to file			

	replies in support of two pretrial motions (Attachments); Notice. (emd)		
<u>55</u>	<i>Filed:</i> Entered: Terminated:	12/12/2002 12/13/2002 12/16/2002	motion for discovery
<i>Docket Text:</i> RENEWED MOTION by Enaam M Arnaout for discovery of intercepted attorney-client communications (emd)			
<u>56</u>	<i>Filed:</i> Entered:	12/12/2002 12/13/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 12/12/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's renewed motion for discovery of intercepted attorney-client communications [55-1] is taken under advisement. The government shall respond by 12/16/02 [55-1]. Mailed notice by judge's staff (emd)			
<u>51</u>	<i>Filed:</i> Entered:	12/10/2002 12/11/2002	response to motion
<i>Docket Text:</i> RESPONSE by USA to defendant Enaam Arnaout's motion to dismiss portions of counts one and two [42-1] (emd)			
<u>52</u>	<i>Filed:</i> Entered:	12/10/2002 12/11/2002	response to motion
<i>Docket Text:</i> RESPONSE by USA to defendant Enaam Arnaout's motion for hearing regarding the constitutionality of the Bosnian searches [46-1]; (Attachment). (emd)			
<u>53</u>	<i>Filed:</i> Entered:	12/10/2002 12/11/2002	response to motion
<i>Docket Text:</i> RESPONSE by USA to defendant Enaam Arnaout's motion for a bill of particulars [41-1]; (Attachment). (emd)			
<u>54</u>	<i>Filed:</i> Entered:	12/10/2002 12/11/2002	response to motion
<i>Docket Text:</i> CONSOLIDATED RESPONSE by USA to defendant Enaam Arnaout's motion to suppress evidence seized on 12/14/01 [44-1] and motion for hearing to determine whether evidence obtained by or derived from electronic surveillance of the defendant was lawfully obtained [45-1]; (Attachment). (emd) Modified on 01/28/2003			
<u>50</u>	<i>Filed:</i> Entered:	12/09/2002 12/10/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 12/9/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The 12/06/02 minute order [49-1] is amended as follows: CIPA pretrial conference held in camera and continued to 12/13/02 at 9:30 a.m. The transcript of the proceedings is ordered sealed until further order of the court. Notice mailed by Judge's staff (ar) Modified on 12/10/2002			
<u>49</u>	<i>Filed:</i> Entered:	12/06/2002 12/09/2002	minutes - miscellaneous

	<p><i>Docket Text:</i> MINUTE ORDER of 12/6/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : CIPA pretrial conference held and continued to 12/13/02 at 9:30am. Government is granted leave to file a combined response not exceeding 25 pages to defendant's motion for a hearing to determine whether evidence obtained by or derived from electronic surveillance of the defendant was lawfully obtained and motion to suppress evidence seized on 12/14/01. Mailed notice by judge's staff (emd) Modified on 01/28/2003</p>		
<u>48</u>	<i>Filed:</i> Entered:	12/05/2002 12/09/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/5/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion for pretrial discovery [40-1] discovery of intercepted attorney-client communications [43-1] are denied without prejudice for defendant's failure to comply with Local Criminal Rule 12.1(b). The parties are reminded of their obligations under Local Criminal Rule 16.1(a), including the requirement that they attempt to agree on preliminary matters, such as the stipulation of historical facts, where an agreement would serve to expedite the orderly trial of the case. Mailed notice by judge's staff (emd) Modified on 12/09/2002</p>		
<u>47</u>	<i>Filed:</i> Entered:	12/04/2002 12/06/2002	minutes - miscellaneous
	<p><i>Docket Text:</i> MINUTE ORDER of 12/4/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The motion for modification of conditions of defendant's pretrial confinement [22-1] [19-1] is denied without prejudice to his right to file a separate civil action. Entered Memorandum Opinion and Order. Mailed notices by judge's staff. (las) Modified on 01/28/2003</p>		
<u>40</u>	<i>Filed:</i> Entered: Terminated:	11/26/2002 12/02/2002 12/05/2002	motion for discovery
	<p><i>Docket Text:</i> MOTION by defendant Enaam M Arnaout for pretrial discovery (kmt)</p>		
<u>41</u>	<i>Filed:</i> Entered: Terminated:	11/26/2002 12/02/2002 12/16/2002	motion for bill of particulars
	<p><i>Docket Text:</i> MOTION by defendant Enaam M Arnaout for a bill of particulars (kmt)</p>		
<u>42</u>	<i>Filed:</i> Entered: Terminated:	11/26/2002 12/02/2002 12/17/2002	motion to dismiss
	<p><i>Docket Text:</i> MOTION by defendant Enaam M Arnaout to dismiss portions of counts one and two (Attachments) (kmt)</p>		
<u>43</u>	<i>Filed:</i> Entered: Terminated:	11/26/2002 12/02/2002 12/05/2002	motion for discovery

	<i>Docket Text: MOTION by defendant Enaam M Arnaout for discovery of intercepted attorney-client communications (Attachment); (kmt)</i>		
<u>44</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/26/2002 12/02/2002 12/16/2002	motion to suppress
	<i>Docket Text: MOTION by defendant Enaam M Arnaout to suppress evidence seized on 12/14/01 (Attachments) (kmt)</i>		
<u>45</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/26/2002 12/02/2002 12/16/2002	motion for hearing
	<i>Docket Text: MOTION by defendant Enaam M Arnaout for hearing to determine whether evidence obtained by or devired from electronic surveillance of the defendant was lawfully obtained (kmt)</i>		
<u>46</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/26/2002 12/02/2002 12/16/2002	motion for hearing
	<i>Docket Text: MOTION by defendant Enaam M Arnaout for hearing regarding the constitutionality of the Bosnian searches (Attachments) (kmt)</i>		
<u>39</u>	<i>Filed:</i> <i>Entered:</i>	11/25/2002 11/27/2002	minutes - miscellaneous
	<i>Docket Text: MINUTE ORDER of 11/25/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The government's ex parte motion for an order permitting non-disclosure of material under Rule 16(d)(1) is denied [32-1]. The government's alternative request delaying disclosure for 30 days is granted on a showing of good cause. Disclosure shall be made to defense counsel by 12/20/02. Notices mailed by judge's staff. (amb)</i>		
<u>36</u>	<i>Filed:</i> <i>Entered:</i>	11/22/2002 11/25/2002	minutes - miscellaneous
	<i>Docket Text: MINUTE ORDER of 11/22/02 by Hon. Ian H. Levin as to defendant Enaam M Arnaout : Detention hearing held. Hearing on detention taken under advisement for ruling on 11/22/02 at 3:30 p.m. Mailed notice (kmt)</i>		
<u>37</u>	<i>Filed:</i> <i>Entered:</i>	11/22/2002 11/25/2002	minutes - miscellaneous
	<i>Docket Text: MINUTE ORDER of 11/22/02 by Hon. Ian H. Levin as to defendant Enaam M Arnaout : Enter Memorandum Opinion and Order. Detention hearing held. The court finds that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. Order defendant detained pending trial. Entered Memorandum Opinion and Order. Mailed notice (kmt)</i>		
<u>30</u>	<i>Filed:</i> <i>Entered:</i>	11/20/2002 11/21/2002	text entry
	<i>Docket Text: FILING pursuant to section six of the classified information</i>		

	procedures act by USA; Notice. (emd)		
<u>31</u>	<i>Filed:</i> <i>Entered:</i>	11/20/2002 11/21/2002	notice
	<i>Docket Text:</i> NOTICE pursuant to CIPA by Enaam M Arnaout (emd)		
<u>32</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/20/2002 11/21/2002 11/25/2002	motion for order
	<i>Docket Text:</i> MOTION by USA for an order permitting non-disclosure of material under Rule 16(d)(1) as to defendant Enaam M Arnaout (emd)		
<u>33</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/20/2002 11/21/2002 11/20/2002	motion for leave to
	<i>Docket Text:</i> MOTION by USA for leave to file under seal and ex parte a memorandum of law in support of its motion for an order permitting non-disclosure of material under rule 16(d)(1) as to defendant Enaam M Arnaout (emd) Modified on 01/28/2003		
<u>34</u>	<i>Filed:</i> <i>Entered:</i>	11/20/2002 11/21/2002	notice
	<i>Docket Text:</i> NOTICE by USA of filing under the classified information procedures act. (emd)		
<u>35</u>	<i>Filed:</i> <i>Entered:</i>	11/20/2002 11/22/2002	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 11/20/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Government's motion for leave to file under seal and ex parte a memorandum of law in support of its motion for an order permitting non-disclosure of material under rule 16(d)(1) is granted [33-1]. Government's motion for an order permitting non-disclosure of material under Rule 16(d)(1) is taken under advisement [32-1]. Notice mailed by Judge's staff (ar)		
<u>29</u>	<i>Filed:</i> <i>Entered:</i>	11/18/2002 11/19/2002	reply to motion
	<i>Docket Text:</i> REPLY by Enaam M Arnaout in support of motion for modification of conditions of defendant's pretrial confinement [22-1], [19-1] (emd)		
<u>25</u>	<i>Filed:</i> <i>Entered:</i>	11/14/2002 11/15/2002	response to motion
	<i>Docket Text:</i> RESPONSE by USA to motion for modification of conditions of defendant's pretrial confinement and supplemental filing [22-1], [19-1]; (Attachments). (emd)		
<u>26</u>	<i>Filed:</i> <i>Entered:</i>	11/14/2002 11/19/2002	case referred to Magistrate Judge
	<i>Docket Text:</i> REFERRAL ORDER of 11/14/02 Referring Enaam M Arnaout to Hon. Ian H. Levin from Hon. Suzanne Conlon to hear and enter order on detention		

	hearing only. (For further detail see order.) Mailed notice (emd)		
<u>24</u>	<i>Filed:</i> <i>Entered:</i>	11/13/2002 11/15/2002	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 11/13/02 by Hon. Ian H. Levin as to Enaam M Arnaout : By agreement, detention hearing is set for 11/21/02 at 1:30 p.m. Mailed notice (las)		
<u>28</u>	<i>Filed:</i> <i>Entered:</i>	11/12/2002 11/19/2002	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 11/12/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion for detention hearing is granted [27-1]. Case is referred to Magistrate Judge Levin for detention hearing. Mailed notice by judge's staff (emd)		
<u>23</u>	<i>Filed:</i> <i>Entered:</i>	11/08/2002 11/12/2002	text entry
	<i>Docket Text:</i> SUPPLEMENTAL filing by Enaam M Arnaout in support of motion for modification of conditions of confinement. (amb)		
<u>22</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/07/2002 11/08/2002 12/04/2002	motion to modify
	<i>Docket Text:</i> MOTION by Enaam M Arnaout for modification of conditions of defendant's pretrial confinement (emd)		
<u>27</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/06/2002 11/19/2002 11/12/2002	motion for hearing
	<i>Docket Text:</i> MOTION by Enaam M Arnaout for detention hearing ; Notice. (emd)		
<u>20</u>	<i>Filed:</i> <i>Entered:</i>	11/05/2002 11/06/2002	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 11/5/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : The government's unopposed motion for a pretrial conference pursuant to the classified information procedures act, 18 USC App. III is granted. Defendant's motion for modification of conditions of his pretrial confinement is taken under advisement. Defendant may supplement his motion by 11/7/02. The government shall respond by 11/14/02. [19-1] [17-1] [19-1] Mailed notice by judge's staff (emd)		
<u>21</u>	<i>Filed:</i> <i>Entered:</i>	11/05/2002 11/07/2002	minutes - miscellaneous
	<i>Docket Text:</i> MINUTE ORDER of 11/5/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : (Entered Scheduling Order) Mailed notice by judge's staff (emd)		
<u>18</u>	<i>Filed:</i> <i>Entered:</i>	11/04/2002 11/06/2002	text entry

	<i>Docket Text: PROPOSED schedule by USA (emd)</i>		
<u>19</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/04/2002 11/06/2002 12/04/2002	motion to modify
<i>Docket Text: MOTION by Enaam M Arnaout for modification of conditions of defendant's pretrial confinement (Attachments); Notice. (emd)</i>			
<u>17</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	11/01/2002 11/04/2002 11/05/2002	motion for miscellaneous relief
<i>Docket Text: MOTION by USA for a pre-trial conference pursuant to the classified information procedures Act 18 U.S.C. App. III as to defendant Enaam M Arnaout (pmp)</i>			
<u>16</u>	<i>Filed:</i> <i>Entered:</i>	10/31/2002 11/01/2002	minutes - miscellaneous
<i>Docket Text: MINUTE ORDER of 10/31/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout : Defendant's motion for reassignment is denied [12-1]. The status hearing on 11/5/02 stands. Counsel are requested to submit their joint or separate scheduling proposals to chambers by 11/4/02. Entered Memorandum Opinion and Order. Mailed notices by judge's staff (amb)</i>			
<u>15</u>	<i>Filed:</i> <i>Entered:</i>	10/23/2002 10/24/2002	notice of attorney appearance - defendant
<i>Docket Text: APPEARANCE of Attorney for Benevolence Intl, Enaam M Arnaout by Joseph J. Duffy, William Paul Ziegelmüller (emd)</i>			
<u>14</u>	<i>Filed:</i> <i>Entered:</i>	10/22/2002 10/23/2002	response to motion
<i>Docket Text: RESPONSE by USA to defendant Enaam Arnaout's motion for reassignment [12-1] (emd)</i>			
<u>13</u>	<i>Filed:</i> <i>Entered:</i>	10/18/2002 10/21/2002	minutes - miscellaneous
<i>Docket Text: MINUTE ORDER of 10/18/02 by Hon. Suzanne B. Conlon as to defendant Enaam M Arnaout : Arraignment hearing held. Defendant Enaam M Arnaout pleads not guilty. Defendant waives formal reading of the indictment. Government to have complete compliance with Rule 16.1(A) by close of business on 11/1/02. Defendant's motion for reassignment [12-1] is taken under advisement. Government shall respond by 10/22/02. Defendant shall reply by [12-1] 10/25/02. Parties to submit courtesy copies to chambers. The motion will not be heard on 10/22/02 as noticed. Status hearing set on 11/5/02 at 9:00 a.m. Mailed notice (kmt)</i>			
<u>12</u>	<i>Filed:</i> <i>Entered:</i> <i>Terminated:</i>	10/17/2002 10/21/2002 10/31/2002	motion for miscellaneous relief
<i>Docket Text: MOTION by defendant Enaam M Arnaout for reassignment</i>			

	(Attachments); Notice (kmt)		
<u>11</u>	<i>Filed:</i> <i>Entered:</i>	10/15/2002 10/18/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 10/15/02 by Hon. Suzanne B. Conlon as to Enaam M Arnaout: Referral to Magistrate Judge Levin for arraignment is vacated. terminating case referral Arraignment and detention hearing on 10/17/02 is reset on 10/18/02 at 9:00am in courtroom 2325. Mailed notice (emd)			
<u>9</u>	<i>Filed:</i> <i>Entered:</i>	10/10/2002 10/15/2002	case referred to Magistrate Judge
<i>Docket Text:</i> REFERRAL ORDER of 10/10/02 Referring Enaam M Arnaout to Hon. Ian H. Levin from Hon. Suzanne Conlon to hear and enter orders on arraignment and/or detention hearing. (For further detail see order.) Mailed notice (emd)			
<u>10</u>	<i>Filed:</i> <i>Entered:</i>	10/10/2002 10/15/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 10/10/02 by Hon. Ian H. Levin as to Benevolence Intl, Enaam M Arnaout : Government's oral motion to dismiss complaint without prejudice is granted. Defendant's oral motion (with government agreement) to continue arraignment and plea and implicitly any detention hearing to 10/17/02 at 1:15 in courtroom 2503 is granted. It is hereby order of court that the defendant Enaam Arnaout shall remain detained pending further proceedings. Status hearing on detention hearing is set for 10/17/02 at 1:15. Mailed notice (emd)			
<u>6</u>	<i>Filed:</i> <i>Entered:</i>	10/09/2002 10/10/2002	indictment
<i>Docket Text:</i> INDICTMENT Counts filed against Enaam M Arnaout (2) count(s) 1, 2, 3, 4, 5-6, 7 (kmt)			
<u>7</u>	<i>Filed:</i> <i>Entered:</i>	10/09/2002 10/10/2002	designation form
<i>Docket Text:</i> DESIGNATION SHEET FELONY Category 2 (kmt)			
<u>8</u>	<i>Filed:</i> <i>Entered:</i>	10/09/2002 10/10/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 10/9/02 by Hon. Edward A. Bobrick as to defendant Enaam M Arnaout : No bond set; detained by magistrate, granted. Enter Order. No notice (kmt)			
<u>5</u>	<i>Filed:</i> <i>Entered:</i>	10/03/2002 10/04/2002	notice
<i>Docket Text:</i> NOTICE in compliance with Title 50 USC Sections 1801 et seq by USA (emd)			
<u>4</u>	<i>Filed:</i> <i>Entered:</i>	09/26/2002 09/27/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 9/26/02 by Hon. Ian H. Levin as to Enaam M			

	Arnaout : Status hearing held and continued to 10/10/02 at 1:00 p.m. Plaintiff's oral motion to continue initial appearance, preliminary examination [0-1] and detention hearing to 10/10/02, without objection by the defendant is granted. Mailed notice (amb)		
<u>3</u>	<i>Filed:</i> <u>Entered:</u>	09/18/2002 09/19/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 9/18/02 by Hon. Ian H. Levin as to Enaam M Arnaout : Case called for initial appearance. By agreement of the parties the initial appearance, preliminary examination and the detention hearing will be continued to 9/26/02 at 1:00pm in courtroom 2503. (Entered Proposed Agreed Order). Mailed notice (emd)			
<u>1</u>	<i>Filed:</i> <u>Entered:</u>	09/13/2002 09/18/2002	complaint
<i>Docket Text:</i> COMPLAINT Hon. Ian H. Levin (yap) Modified on 09/20/2002			
<u>2</u>	<i>Filed:</i> <u>Entered:</u>	09/13/2002 09/18/2002	minutes - miscellaneous
<i>Docket Text:</i> MINUTE ORDER of 9/13/02 by Hon. Ian H. Levin as to Enaam M Arnaout: Arrest warrant issued as to defendant Enaam M. Arnaout. Mailed notice (yap) Modified on 09/20/2002			

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PACER Login:	in0930	Client Code:	
Description:	History/Documents	Search Criteria:	1:02-cr-00892
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FLORIDA DEPARTMENT OF STATE

Company Name: BENEVOLENCE INTERNATIONAL FOUNDATION, INC.

Mailing Address:

P.O. BOX 450891
SUNRISE, FL 33345

Type: FOREIGN NON PROFIT

Status: INACTIVE

Filing Date: 2/12/1993

State or Country of Incorporation: ILLINOIS

Registered Agent: ADHAM HASSOUN

Registered Office:

150 S. UNIVERSITY DRIVE
PLANTATION, FL 33324

Federal Employer ID Number: 363823186

Filing Number: F93000000648

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History:

File Date: 8/26/1994
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AFGP-2002-000080
TRANSLATED FROM ORIGINAL DOCUMENTS

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Al-Qaeda

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A. Principles:-

1. Introduction and Purpose

A faction of the people of Mohammad[Quranic Verse], its beliefs are the beliefs of the Sunni people and the community as it is understood by the virtuous path (May Allah be pleased with them). The Jihad is established on a path of change so that God's words will be highest and it strives to agitate toward this and to prepare for this and to pursue this operationally(as possible) towards that path.

[Two Quranic verses follow. Untranslated]

2. General Goals

* To establish the truth, get rid of evil, and establish an Islamic Nation

The Methods [The previous two lines were handwritten into text.]

1. Spread the sentiment of Jihad in the Islamic nation.
2. Preparation of the Islamic cadre through training and participation in fighting operations.
3. Backing and supporting the Jihad movements in the world according to ability.
4. Coordination between Jihad movements in the world according to ability.

3. General Politics

1. The duty to administer Islamic law (al-Shariah) and its rules in all beliefs and actions. This in agreement with the book and the Sunnah[TN- the teachings of Mohammad] and in light of understanding the Ulama's[TN – clergy] teachings.
2. The duty for Jihad (fighting for the cause of God to change, through an effort to prepare and pursue it operationally as we are able to, towards that cause.
3. Our path is a path of fighting Jihad and we do not handle matters of aid or things like it.
4. Our position on dictators of the earth[TN- hegemons?] and secular groups and others that resemble them is that there are innocents among them and unbelievers among them and that there will be continuing enmity until everyone believes in Allah. We will not meet them half way and there will be no room for dialogue with them or flattery towards them.
5. Our relation with Islamic movements and groups and workers of Islam[TN- the term “friendly Jihad” is crossed out here and replaced with “workers of Islam”] is one of cooperation towards righteousness and strength, with continuing attempts towards merger and unity.
6. Our relation with non-Jihad Islamic groups is one of love and friendship and advice, and bringing out the good in them and correcting their mistakes if the situation requires it.

[TN 7 and 8 are crossed out.]

9. Eliminate regionalism and tribalism. We struggle in any place in Islamic countries if the situation requires it and our capabilities allow it.

10. The concern over the role of the Muslim people in the Jihad. And struggle to agitate (them) so that they will be in the rank of al-Jihad because they are fuel for the battle.
11. Protecting our economic independence and relying solely on ourselves.
12. Secretiveness is the basis of our work. Unless the situation requires its disclosure. [TN- 13 is crossed out.]

4. Generalities of the Internal Organization:

1. The principle of counsel:

The work of the principle of counsel is established by advice of the Quran and the actions of the Prophet[TN Quranic Verse], so it is necessary (2m) and it be spread out to all work agencies from the high administration to all of the sub-committees.

2. The regulations of the session:

By law, the council meeting takes place in the presence of a majority of the members unless absences exceed 3 members. The presence of the committee president or his deputy is required.

3. Emergency meetings:

Emergency meetings take place at the request of the president or at the request of a majority of the members.

4. Secret Voting:

The principle of secrecy is used in evaluating individuals.

5. Follow up and Judgement:

The administrative accord goes from top to bottom and that according to the organizational structure.

6. Demands and Accusations:

The administrative chain goes from bottom to top.

7. [TN line is crossed out.]

8. Overstepping of Departmental Expertise.

Departmental expertise must be respected at high and low administrative levels, and it should not be overstepped as follows:

- a. If the overstepping occurs principally from a higher to lower level through an administrative decision, then the action will be stopped until reviewed by a higher official. Then the action will be executed or cancelled. If the highest official decides the matter without proof, the matter will reflect against him. [TN The previous line is rewritten in different words between the lines.]
- b. If the overstepping occurs at a high level it will be given a decisive refusal and the one who was overstepped upon will complain about this to the participating highest official.
- c. If an administrative overstepping occurs from a lower level to a higher level it will be returned to the direct official without being ruled upon and with a censure of the one overstepping or a punishment to prevent him or others like him from repeating that. And in case the highest

official allows this overstepping, then it is the right of the immediate official to complain about him.

9. All high officials must supervise all lower level workers that fall within his department
10. Reports are very important matters should be taken into account when making decisions and following a course of action. One must be concerned with this at all levels and should do them periodically at the appointed time or when requested to do so by an official.
11. First Rule:
The appropriate person at the appropriate place without taking into account previous regional or organizational views.
12. Second Rule:
The foundation of our work of Jihad is to maintain the feeling of Jihad in the souls of those working with us, especially those far from the area of military action, and that by connecting them to the field of preparation and fighting.
13. In head council and sub council meetings, matters not within the limits of the council's competence will not be discussed.
14. Members who are absent from head council or sub-council meetings must submit an excuse for the absence to the council secretary with sufficient time before its convening, or after when not possible; this is so it can be submitted to the council president.

In the name of Allah the Merciful the Compassionate

Details of the Organizational Structure:

2) The commander

a. Introduction:

He is the brother directly responsible for all works of Al-Qaeda and he resembles it both inside and outside to achieve its goals and politics. He must follow its work through administrative channels.

b. General Powers:

1. The authority here is the right of a special authority, but according to the facts because the commander is given obligations similar to the general obligations of the Imamate because it is expected that the commander will undertake the work of judging in the division of the spoils of the Jihad's judgment.
2. Selecting the most suitable out of those that are available for work, it does not require the best based on his qualities, but it requires the most appropriate be appointed for the job.
3. Not appointing he who aspires towards authority.
4. (Duty) is observed when an appointment is made based on ability.

c. Characteristics of the Commander:

1. Impartiality on conditions of the group, which is before the Ulamas in their books.
2. Sufficient knowledge of al-Shariah to make the commander fit to undertake this work's missions.
3. Understanding of Al-Jihad: To enjoy a clear, established, and unhesitating understanding of Jihad, believing that Jihad is the path to change.
4. That he be characterized by trustworthiness, and truth of speech, and little covetousness, and that he preserve what is between him and the people, and that he be patient, and farviewing with pertinent opinions, smart and clever, and not of the people of the sects, and that one not see on him the effects of luxury, resolute, courageous.
5. Experience: That he have operational experience from Jihad and that he get from this administrative experience and that he be aware of the reality that Muslims and their enemies are living at this time. And that he have military fighting knowledge as much as possible.[TN the previous line is handwritten into text.]
6. Period of membership: That the period of membership to the organization not be less than 7 years.

7. Availability: That he be available to undertake the burden of his responsibility.
8. Attainment of knowledge: It is preferred that he have finished his university studies.
9. Soundness of body: That he be healthy in limbs and senses to a degree that will allow him to undertake the burden of his duties.
10. Military competence: It is preferred that he be knowledgeable of military fighting knowledge as much as possible.
11. That he be characterized by the fundamental provisions of the Imamate, and they are:
Islam – Maturity – Freedom – Masculinity –
Intelligence

d. Duties of the Commander:

1. The duty of deliberation as a foundation, and appointing a council to advise him, called the leadership council.
2. Appointing and removing the deputy and members of the council and committee presidents and his personal secretary.
3. Resembling al-Qaeda internally and externally and carrying its responsibility.
4. Striving to realize the goals and general politics of al-Qaeda.
5. Debating and deciding the yearly plan and changing it in cases of emergencies.
6. Debating and deciding the yearly budget and changing it in cases of emergencies.
7. Debating and deciding internal plans and changing it in cases of emergencies.
8. Deciding on important matters of emergency that are not covered in internal plans.
9. Examining periodic reports which are submitted to him and discussing them with the officials.
10. Evaluating the abilities of those responsible for overseeing the work and striving to improve them and develop them.
11. Following the yearly financing plan and working at executing it.
12. Following the works of those responsible in the leadership council in the execution of plans and decisions.
13. Reviewing and easing the flow of work in all of the work offices.
14. Ensuring attendance at regular mandatory meetings.
15. Participating in the numerous Jihad training plans on behalf of the al-Shariah council in regards to records and business.
16. Friendliness with all his (1m) and feeling their situation and solving their problems.
17. Accepting the vow from his people in al-Qaeda, either directly or by proxy.

e. The Deputy Commander:

That his characteristics be the like the characteristics of the commander, or close to them, and that his suitability and duties depend on what the commander entrusts to him.

f. The Secretary:

He is appointed by the commander and he undertakes organizing his appointments and his external relations and prepares his work schedule, maintaining his (1m), accompanying him wherever he goes, and not to take upon reviewing the progress of work.

2) The Command Council:

A. The Internal Organization:

1. The aforementioned generalities of the interior organization mentioned previously in the principles apply to the council.
2. The number of members of the council: The number of members of the council should not exceed 10 and not be less than seven, including the commander and his deputy.
3. Appointing and removing the members: Appointing and removing the members takes place by way of the commander or his deputy.
4. Convening the regular sessions: The regular council sessions are convened at mid-month.[TN This line is followed by illegible handwriting.]
5. The making of decisions: Matters will be submitted according to the work schedule, then they will be circulated among it and the idea will mature and then the decision it has made will be given to the president of the session. It is his right, if there is a doubt in the matter, to turn the decision to a vote, whereupon it is taken by an opinion of the majority. His opinion will be predominant in case of a tied vote.
6. [TN This entry is handwritten into original text and is illegible.]
7. Period of work of the council: The period of work for the council will be a year [TN “two years” is handwritten above “year”] and after that the council will waste away and the commander must form a new council. He is not forbidden from choosing some or all members of the old council for the new council.
7. The president of the council: The council has a president, and he is the commander when in attendance, or his deputy when he is absent. It is the commanders right to appoint someone other than him to attend as head of the session and to grant him some or all of the council president’s characteristics. It is incumbent upon the council president to undertake the following:
 - a. Controlling and administering the sessions.
 - b. Following the execution of decisions.
 - c. Agreeing or changing to the work schedule that is submitted by the secretary.

- d. Making decisions on matters placed on the work schedule after discussing and guiding the discussion on it.
- e. Following the council secretary on his work.

9. The Council Secretary: [TN #8 is omitted from text.]

The council secretary is always a member of the council chosen by the council president. He undertakes the following:

- a. Recording and maintaining session minutes.
- b. Receiving member's suggestions which are submitted for discussion in meetings.
- c. Preparation and organization of meeting work schedules.
- d. Informing members of meeting appointments and giving them a work schedule at least two days before regular meetings and at least a day before in emergency meetings.
- e. Distributing the meeting's decisions to the individuals they pertain to.
- f. Recording the movement of attendance and absences of the members and following the excuses of the absentees and submitting that to the council president for him to review.
- g. Submitting requests of council members to convene a council in emergency situations to the council president or his deputy if the reasons for an emergency meeting are sufficient.

B) Characteristics of the Council Members:

1. That he be a member of al-Qaeda, and aware of it's situation.
2. That he have sufficient Jihad experience.
3. That he meet the (requirements) of membership in the council in level of learning, and in operational experience.
4. That he have an opinion, stimulating for conversation, effective in the sessions, and secure on secrets.
5. It is preferred that he be married and that his age be no less than 30 years.

C) Characteristics of the Command Council:

a—Introduction of the Command Council:

It is a council chosen by the commander to advise. It undertakes matters of planning and following work as a whole and it strives to advise the commander and pointing him to realize the operational goals and his politics and it is considered the highest authority after the commander and his deputy.

b—Characteristics of the Council:

1. Deciding and amending the operation goals and general politics. [TN Illegible handwriting written in margin.]
2. Discussing and amending internal projects and submitting them to the commander for him to decide or change.

3. Discussing and preparing the yearly work plan and budget which are obligatory to it and submitting them to the commander for him to decide or change.
4. Appointing committees or individuals to follow the work of the committees.
5. Suggesting a nomination or removal of a member of the council and submitting that to the commander.
6. Dissolve old committees or merge some of them or creating others.
7. Removing the commander when he deviates from al-Shariah in a way that requires his removal, or when he loses his fitness and a new commander is chosen.
8. Choosing a new commander in case of the death of the commander and deputy together, or when they are taken prisoner together and their freedom (2m).
9. Agree on the deputy and elect him commander in case of death of the previous commander or in case he is imprisoned and his freedom (2m).
10. Choosing a second deputy for the commander. He will undertake his duties if the commander and his deputy are imprisoned and their freedom (2m).
11. Consulting with the commander when he diverges from the goals and general politics and discussing it with him and deciding them and discarding them with a majority of the council.
12. Preparing monthly reports on the work, in general, and submitting them to the commander.

TRANSLATION FROM ORIGINAL TEXT

AFGP-2002-000078

Continuation of AFGP-2002-000080

ARABIC

In the Name of God the Merciful

The Military Committee:

Announcement:

This is the organization entrusted with the responsibility for the preparation of the freedom fighting young men, their training, organizing them for combat, organizing their Jihad participation on the battlefield and its likewise responsible for developing combat skills, military technical skills and composing programs and procedures for a disciplined military in quranic law of Islam and other matters of preparation.

*Goals

-General Goals

1. Preparation of freedom fighting young men, their training, and organizing them for combat.
2. Organization and supervision for combat participation on the battlefield.
3. Preparation of programs and military procedures.
4. Offering what is needed of military mechanics for combat.

-Special Goals

1. Recruitment of individuals for enlistment in Al Qaida.
2. Upward development in the level of fighting Al Qaida members.
3. Making Al Qaida an establishment for combat and training expertise.

*The Organizational Structure for the Military Committee.

-President of the committee

-General Section: training-combat

-Special Section: training-operations

-Nuclear Weapons Section

-Library and Research Section

President of the military committee

Provisions and Specifications:

1. To posses a suitable proportion of Islamic Law.

Via INTELWIRE.com

2. He must have work experience of no less than 5 years and have complete military operational experience in the battlefield and bases in order to be qualified for this job.
3. To be unimpaired in his members and senses on the level that qualify him for performing the burdens of full responsibility.
4. He must not be less than 30 years of age.
5. His scientific knowledge must not be less than university graduate and its preferred that he be a military academy graduate.
6. That his studies of military science be expansive.
7. That he be wise, sober-minded and disciplined.

Competent Authorities and Duties of the Committee President

1. Appointing the relieving of a representative for him out of the leaders of the committee sections.
2. Contacting the presidents of the other committees for drawing up the operation.
3. Looking over the work of the section leaders in the implementation of decisions and establishing the adequacy of their performance.
4. Attendance of periodic and emergency meetings in the military committee.
5. Appointing and releasing section leaders.
6. To post a periodic report of the committee operations to the leadership council.
7. Posting the detailed stage plan to the leadership council, which sets up joint consultation with the section leaders.
8. Examination of the respective periodic reports of the sections leaders.
9. Posting the special yearly plan to the leadership council on the military committee and which sets up in joint consultation with the section leaders.
10. Setting up the politics of the military committee in joint consultation with the section leaders and posting it to the leadership council.

Supervision of the General Training Section

Announcement:

He is responsible for completing his assignment from the military committee president and to be in charge of setting up the training programs. Likewise he must oversee the implementation of all of his section's operations.

Specifications of the Training Section Supervisor

1. To have completed at least two years of service in the Jihad.
2. To have possession of the appropriate amount of scientific knowledge, which qualifies him for doing his job.
3. His age must not be less than 25 years.
4. He must not have accomplished less than general high school studies.
5. To have the appropriate knowledge of military sciences.
6. To be distinguished by wisdom, sobriety and military discipline.

Importance of the training section supervisor

1. Political implementation of the military committee in the training field, and taking into account the orders of the military committee supervisor.
2. Following up on the training matters in the bases and rewards and punishment of those in leadership positions within it.
3. Suggestions for the training plan and the military instructional curriculum and proposing it to the committee president for a decision on it.
4. Setting up section work with the combat section in preparation of the Mujahadeen in quantity and suitable conditions.

Supervisor of the general combat section

Announcement:

He is a supervisor appointed by the military committee president and he supports the drawing up of the military planning and posting it to the president of the committee. Then he oversees its implementation after its decided on with the following of all of the other section operations.

Specifications for the Supervisor of the combat section

The same specifications for the training supervisor in addition he must have completed a suitable period on the front line of combat and attaining during it enough combat experience to be qualified for undertaking the burdens of his position.

Importance of the combat section supervisor

1. Proposals of military plans for the battlefield front lines and posting it to the president of the committee then following up on its implementation on the front lines after it is decided on.
2. Leadership of the battlefield front lines and disbursement of military regiments for the combat section with the training section in all of the fields.
3. Disbursement of work for the combat section with the training section in all of the fields.

Special Operations Section

Announcement:

It is an outfit charged with the responsibility of training, equipment, development of special combat skills in foreign operations and likewise the supervision of special operations implementation and facilitation of all its requirements.

Goals of the Section

1. Preparation of cadre from the mujahadeen young men and their organization for the special operation.
2. Supervision over the implementation of foreign operations.
3. Offer what is needed of the operations from equipment, programs, and training.
4. Choosing the suitable elements for the foreign operation.

Supervisor of the special operation section

Clauses and Specifications

1. He must not have work experience of less than 5 years and to have attained during this time work experience to qualify him for the performance of his job.
2. To be unimpaired in his members and senses on the level, which qualifies him for undertaking the burdens of the responsibility.
3. He must not be less than 30 years old.
4. His scientific knowledge must not be less than university graduate and its preferred that he be a military academy graduate.
5. That his studies of military science be expansive.
6. That he be wise, sober-minded and disciplined.
7. He possesses the appropriate amount of scientific knowledge, which qualifies him for performing his job.
8. To be in possession of praiseworthy strength and character.

Authorities and duties of the section supervisor

1. Supervision of the needed cadre preparation for the job.
2. Following up on the implementation of the special operations.
3. Posting a periodic report every 3 months on the sections work.
4. Posting of the detailed stage plans for the sections work.
5. Set up the politics of the section and post it for the military committee president.
6. Work communications for the cadre from outside of the organization and the utilization of their scientific operation capabilities.

* Representative of the special operations president.

Specifications of the representative for the special operations president

Same specifications at the committee president or close to it

In the Name of God the Merciful

The Political Committee:

Announcement:

Via INTELWIRE.com

This committee undertakes in spreading political awareness between working individuals and Islamic republics, preparing political reports and the needed studies for work, interaction with Jihad movements in general, preparation of qualified political cadre and likewise crediting the general politics for the operation in the field of legitimate officers.

***The General Goals**

1. Spreading the political awareness between the individuals of the operation in preparation of a fixed plan comprised of the members taking into account their level of organizational work.
2. To spread political awareness between the Islamic republics.
3. Preparation of studies and needed political reports for the operation.
4. Interaction with Jihad movements in the world by communication with them and to spread their news... etc.
5. Preparation of the needed political cadre for the job.
6. Work on good relations with the government of the resident country.

*** Organizational structure for the political committee**

- The political committee
- President of the committee
- Representative of the president
- The political section
- The operational politics (officers)

1. Complete commitment in judgment of Islamic law and its officers in all work matters of the committee.
2. Demonstrating the importance of the reinforced Jihad solution in god's path like that of a road to change with a lack of negligence of other constituents.
3. Uncovering and revealing the terrain of the land, secular and nationalist parties, and recruits from the enemies of Islam.
4. Our relation with Islamic groups in sustenance and cooperation and which they have from the truth and giving sincere advice in what he saw they have of wrongs.
5. Forbid the exposing of criticism of the Islamic movements and of the erudite if it is not during the Islamic law committee.
6. The endeavor around realization of a union between the Jihad Islamic groups.
7. To return to Al Qaida before taking any decision of establishing a new stance which appears on the surface to take a suitable policy of dealings in its establishment.

Provisions and Specifications for the president of the committee:

1. That his work experience not be less than 5 years and to have full commitment to the job.
2. That his age not be less than 30 years.

3. That he posses general Islamic law knowledge and specialize in matters of Islamic law policy and Islamic systems.
4. That he be in line in sincerity of his manner of speaking, large hearted, mild tempered, to plan ahead, correct in opinion, smart and clever.
5. That he be a master of a specialization in that field and have experience.
6. To be in line with concealment of a secret and keeping security.
7. To have undergone Jihad combat experience.
8. It is preferred that he be proficient in the English language at least and that he has an education level of no less than university level.
9. Unimpaired in his senses enough in order to function in his job.

Competent authorities and duties of the committee president

1. Appointment and release of a representative for him
2. Appointment and release of leaders for the sections under him.
3. Posting a periodic report for the president of the leadership council.
4. Following up on, rewarding and punishment of the workers in the committee.
5. Setting up a yearly work plan, its budget and its discussions with the leaders of the sections and posting it to the president of the leadership council.
6. Foreign consultation for those he sees that are welcome for that.

Representative of the committee president

Same specification of the committee president or close to it

Authorities and Duties:

Aid in the time that the president is present and representation of him in case of his absence.

Informational Committee:

Announcement:

This is the committee concerned with the everything, means of communications setup in all categories of Islamic people, taking great pains in making it aware of its enemies' plans, aspiring to concentrate all of the scientific, legal, and Jihad capabilities in the first level in order to obstruct one line in front of the alliance of the infidel and the ugly ones.

General Goals:

1. Calling and instigation of Muslims to the Jihad in the word of god for the word of god is the highest.
2. Spreading and embracing concepts and general rules of the Sunnites and the community in all legal affairs of the Jihad.

3. Intellectual and informational prudence with the Islamic Republics.
4. Cooperation with the scientific, legal and Jihad groups – discipline in the manner of the forefathers – Informational.
5. Informational continuance with the government of the resident country.

* Administrative structure for the Information section

- President of the informational committee
- Representative of the committee president
- Computer branch

1. The layout
2. The secretariat and the printing press

- Foreign relations branch
- The photography branch
- The phonetics branch
- The translation branch
- The microfiche branch

The General Rules

1. Full commitment to the jurisdiction of Islamic law and its general rules in all work of the committee.
2. Exhibiting the importance of the Islamic Jihad solution in the word of god like a method for change with a lack of negligence of other factors.
3. Uncovering and revealing the terrain of the land, secular and nationalist parties, and recruits from the enemies of Islam.
4. Our relation with Islamic groups in sustenance and cooperation and which they have from the truth and giving sincere advice in what he saw they have of wrongs.
5. Forbid the exposing of criticism of the Islamic movements and of the erudite if it is not during the Islamic law committee.
6. The endeavor around realization of a union between the Jihad Islamic groups.
7. To return to Al Qaida before taking any decision of establishing a new stance which appears on the surface to take a suitable policy of dealings in its establishment.

Provisions and Specifications for the president of the committee:

1. That his work experience not be less than 5 years and to have full commitment to the job.
2. That his age not be less than 30 years.
3. That he posses general Islamic law knowledge and specialize in matters of Islamic law policy and Islamic systems.
4. That he be in line in sincerity of his manner of speaking, large hearted, mild tempered, to plan ahead, correct in opinion, smart and clever.
5. To be in line with concealment of a secret and keeping security.

6. To have undergone Jihad combat experience.
7. Unimpaired in his senses enough in order to function in his job.

Competent authorities and duties of the committee president

1. Appointment and release of a representative for him
2. Appointment and release of leaders for the sections under him.
3. Posting a periodic report for the president of the leadership council.
4. Following up on, rewarding and punishment of the workers in the committee.
5. Setting up a yearly work plan, its budget and its discussions with the leaders of the sections and posting it to the president of the leadership council.

Representative of the committee president

Same specification of the committee president or close to it

Authorities and Duties:

Aid in the time that the president is present and representation of him in case of his absence.

The Administrative and Financial Committee:

Announcement:

This is the committee, which undertakes different administrative services for all of the members of the group and their families, undertakes in the work of accommodation, supervision, and implementation and undertaking in the work of accounting, keeping the books, and the finances of the group.

* Goals of the Committee

1. Offering the best of administrative services for all the group members and their families.
2. Undertake the work of hospitality for the guests of different kinds in the most generous possible manner of hospitality.
3. Undertaking the work of accounting, keeping the books on the front, which safeguards the group's general funds.
4. Undertaking in the financial work for the group in which performs in the needs of the group.

(Side note written in red ink -- committee performing finance is subdivided in this committee.)

* Financial Policy

First of all: General financial rules:

1. General money is a big trust and responsibility before god the powerful and great so the entire reserve and attention should be in a lack of

بسم الله الرحمن الرحيم
القاعدة

اللوائح الداخلية

« أ) أساسيات : -

١. التعريف .
٢. الأهداف .
٣. السياسة العامة .
٤. عموميات النظام الداخلي .

« ب) تفاصيل الهيكل التنظيمي : -

□ الأمير :

- أ. تعريف .
- ب. ضوابط عامة .
- ج. صفات الأمير .
- د. واجبات الأمير .
- ه. صفات النائب وواجباته .
- و. السكرتير تعينه ووظائفه .

□ المجلس القيادي :

- أ. النظام الداخلي .
- ب. صفات عضو المجلس .
- ج. صلاحيات المجلس القيادي .
- د. تعريف .
- ه. صلاحيات المجلس .

□ اللجنـة العسكرية

□ اللجنـة السياسية

□ اللجنـة الإدارية والمالية

□ اللجنـة الأمنية

□ لجنة متـارجـة

۱. اساسیات :-

١. التعريف والغاية :

طائفة من أمة محمد صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عقيدة أهل السنة والجماعة كما فهمها السلف الصالح (رضي الله عنهم) ، تبني
الجهاد منهجاً في التغيير ليكون كلمة الله هي العليا ، وتسعى للتحرر من عبودية الشيطان ، والإعداد له ، ومبادرته عملياً ما
التي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ استطاعت إلى ذلك سبيلاً .

الأهداف العامة :

* يحقّق تقدّم الحركة والتطور في العالم، وتحقيق دولة الإسلام.

.. بث الحسن الجهادي في الأمة الإسلامية.

إعداد وتحفيظ الكوادر للعالم الإسلامي بالتدريب والمشاركة في القتال عملية.

دعم ومساندة وتأييد الحركات الجمهدية في العالم حسب الاستطاعة .

التيسير بين المحرّكات الجهادية في العالم الإسلامي سعيًّا لإيجاد حركة

التنسيق بين المجموعات الجهادية في العالم الإسلامي سعياً لإيجاد حركة جهادية عالمية موحدة.

٣. السياسة العامة :

١٠. الالتزام بأحكام الشرع وضوابطه في كل الإعتقادات والأعمال وذلك وفق الكتاب والسنّة وعلى ضوء فهم علماء الأمة الأعلام العاملين .

٢٠. الالتزام بالجهاد (القتال في سبيل الله منهجاً للتغيير مع السعي للإعداد و مباشرته عملياً ما أستطعنا إلى ذلك سبيلـاً.

٣: منهاجنا منهاج جهادي قتالي ولا نشغل بالأمور الإغاثية وما شاكلها.

٤. موقفنا من طواغيت الأرض والأحزاب العلمانية والقومية وما شاكلها هي البراء منهم والكفر بهم والعداوة المستمرة حتماً يهمنا بالله وحده . ولا التقاء معهم على أنصاف الحلول ولا بحال للحوار معه والمداهنة لهم .

٥. علاقتنا مع الجماعات والحركات الإسلامية الصالحة هي التعاون على البر والتقوى ، مع المحاولات المشينة للحلقة والاندماج . لا ألقى من التنسية معهه ، وعدم معاذه

٦. علاقتنا مع الجماعات الإسلامية غير الجهادية كالمحبة والمودة والنصح وإقرار ما عندهم من خير وبيان ما نراه عندهم من أخطاء إذا تطلب الأمر ذلك .

٧. علاقتنا مع العلماء العاملين هي الحبة والاحترام والتقدير والأخذ منهم ونرد عليهم ما نزله خطأ.

٨. المحافظة على الاستقلالية التامة وعد التبعية لأي جهة ما.

٩. نبذ الإقليمية والتعصب . ونجاهد في أي مكان من بلاد المسلمين إذا تطلب الأمر وتحقق الاستطاعة .

١٠. الاهتمام بدور الشعب المسلمة في الجهاد . والسعى لحركتها وكتابتها لتكون في الصفة الجهادية لأنها وقد المركبة .
١١. الحفاظ على إستقلالنا اقتصادياً . وعدم الاعتماد في مواردنا على غيرنا .
١٢. السرية هي الأصل في عملنا . إلا ما دعت الحاجة للبوح به .
١٣. سياستنا مع المجاهد الأفغاني هي النصح والنصرة في ميادين القتال والتعاون مع المنظمات الجهادية التي ينظها صادقة . والتنسيق مع المؤسسات الإسلامية في ساحة الجهاد فيما يتعلق مع سياستنا .

٤. عموميات النظام الداخلي :

١. مبدأ الشورى :

يعلم بمبدأ الشورى الثابت بنص القرآن و فعل النبي ﷺ على أن تكون لازمة غير ملزمة و تسرى في كافة دوائر العمل من الإدارة العليا إلى كافة الم LAN الفرعية .

٢. قانونية الجلسة :

تعقد مجال الشورى قانونياً بحضور أغلبية الأعضاء بشرط لا يقل نصاب الإنعقاد عن ثلاثة أعضاء وبشرط حضور رئيس المجلس أو نائبه .

٣. الاجتماعات الطارئة :

تعقد الاجتماعات الطارئة بدعوة من الرئيس أو بطلب من غالبية الأعضاء .

٤. التصويت السري :

يعتمد مبدأ السرية في تقييم الأشخاص

٥. التابعة والخاسنة والمكاتب والمكاتب والمكاتب :

تكون وفق التسلسل الوظيفي من الأعلى إلى الأدنى وذلك حسب الهيكل التنظيمي . وفقاً للصلاحيات

٦. الطلبات والشكوى :

تكون وفق التسلسل الوظيفي المبين في الهيكل وذلك من الأدنى إلى الأعلى .

٧. التظلمات :

إذا كان التظلم من المسؤول المباشر وتعذر وصوله للمسؤول الذي يليه يقع للمتظلم تجاوز مسؤوله إلى المسؤول الذي يليه .

٨. تجاوزات دوائر الاختصاص :

ينبغي�حترام دوائر التخصص في المستويات الإدارية الرأسية والأفقية وعدم تجاوزها وذلك كالتالي :

أ. إذا وقع التجاوز رأسياً من الأعلى إلى الأدنى بقرار إداري يرتكب العامل به حتى يتفاهم بأنه مع المسؤول الأعلى ثم إقراره أو إلغاؤه . فإن أصر المسؤول الأعلى على التجاوز بدون دليل يظلمه منه .

ب. إذا وقع التجاوز أفقياً برفضه قاطعاً ويتظلم بشأنه من التجاوز على المُجاوز عليه إلى المسؤول الأعلى المشترك .

ج. إذا وقع تجاوز إداري من الأدنى إلى الأعلى يعاد إلى المسؤول المباشر دون الحكم فيه مع تأنيب المُجاوز أو معاقبته بما يمنعه وأمثاله من تكرار ذلك . وفي حالة إستحابة المسؤول الأعلى لهذا التجاوز فمن حق المسؤول المباشر التظلم منه .

عمل

٩. يحظر للمسؤول الأعلى الاطلاع والإطمئنان على كافة أعمال المستويات الأدنى التي في دائرة مسؤوليته .

التقارير :

١٠. تعتبر التقارير من الأمور الهامة جداً في اتخاذ القرارات ومتابعة سير الأعمال ولذا ينبغي الإهتمام بها على كل المستويات ويجب أن تعدد دورياً أو حسب طلب المسؤولين وتقدم في أوقاتها المحددة .

١١. قاعدة أولى :

الرجل المناسب في المكان المناسب دون الالتفات إلى الإعتبارات الإقليمية أو التنظيمية السابقة أو العرقية .

١٢. قاعدة ثانية :

الأصل في عملنا الجهاد فينبغي الحافظة على الحس الجهادي في نفوس الأفراد العاملين معنا خاصة البعيدين عن ميدان العمل العسكري وذلك بربطهم ببعيدين الإعداد والقتال .

١٣. في اجتماعات المجالس الرئيسية والفرعية لا يناقش من الأمور إلا ما كان في حدود دائرة صلاحية المجلس .

١٤. على العضو المتغيب عن اجتماعات المجالس الرئيسية أو الفرعية تقديم أعتذار التغيب إلى سكرتير المجلس قبل انعقاده بوقت كافٍ أو بعدها عند التغدر وذلك لرفتها لرئيس المجلس .

» تفاصيل الهيكل التنظيمي:

ا) الأمير

أ. تعريف:

هو الأخ المسؤول مسؤولية مباشرة عن كافة أعمال القاعدة ويعملها داخلياً وخارجياً لتحقيق أهدافها وسياساتها

ويلزمها متابعة أعمالها حسب القواعد الإدارية

ب. ضوابط عامة: هنا إمارة خاصة

١. الأمارة هنا حقوق الإمارة الخاصة ولكن لطبيعة الواقع الحالي فإنه يتشرط في الأمير شروط قرية من
شروط الإمامة العامة لأنه من المحمى أن يقوم أمير هذا العمل بالفتيا في تقسيم الغائم وغيرها من أحكام
الجهاد.

٢. اختبار أصلح الموجودين للعمل فلا يتشرط الأفضل في الصفات بقدر ما يتشرط تولية الأصلح للعمل . إذ
يجوز تولية المفضول جلب مصلحة أو دفع مفسدة .

٣. عدم تولية من يحرض على الإمارة .

٤. يراعى السن في الاختيار عند التساوي في الكفاءة .

ج. صفات الأمير:

١. العدالة على شروطها الجامحة التي بينها العلماء في كتبهم .

٢. العلم الشرعي الكافي لتأهيل الأمير للقيام بعهده هذا العمل .

٣. الفهم الجهادي : أن يتمتع بفهم جهادي واضح ثابت غير متعدد ، معتقداً أن الجهاد هو السبيل للتغير .

٤. أن يكون متصفاً بالأمانة وصدق اللهجة وقلة الطمع وأن يسلم فيما بينه وبين الناس وأن يكون واسع
الصدر حليماً وبعيد النظر سديد الرأي ، ذكياً فطناً وأن لا يكون من أهل الأهواء وأن لا ترى عليه آثار الترف
، شجاعاً حازماً .

٥. التجربة : أن يكون قد خاض تجربة جهادية عملية وحاز منها خبرة في الإمارة وأن يكون متوفها ل الواقع
الذي يعيش فيه المسلمين وأعدائهم في هذا الزمان . والماء بالملعمات العسكرية القتالية بقدر المستطاع .

٦. فترة الاتمام : أن لا تقل فترة اتمامه للتنظيم عن (٧) سنة .

٧. التفرغ : أن يكون متفرغاً للقيام بأعباء مسؤوليته .

٨. التحصيل العلمي : يفضل أن يكون قد أنهى الدراسة الجامعية

٩. السلامة الجسدية : أن يكون سليماً في أعضائه وحواسه بالمستوى الذي يوكله للقيام بأعباء مسؤوليته .

١٠. الكفاءة العسكرية : يفضل أن يكون ملماً بالمعلومات العسكرية القتالية قدر المستطاع .

١١. أن يكون متصفاً بشروط الإمامة الأساسية وهي :

الإسلام - البلوغ - الحرية - الذكورية - العقل .

د. واجبات الأمير:

١. التزام الشورى كمبدأ وتعيين مجلس شورى له يسمى المجلس القيادي .
٢. تعيين وعزل النائب وأعضاء المجلس القيادي ورؤساء اللجان والسكرتير الخاص به .
٣. تمثيل القاعدة داخلياً وخارجياً وتحمل مسؤولية ذلك .
٤. السعي لتحقيق الأهداف والسياسات العامة للقاعدة .
٥. مناقشة وإقرار الخطة السنوية وتعديلها في الحالات الطارئة .
٦. مناقشة وإقرار الميزانية السنوية وتعديلها في الحالات الطارئة .
٧. مناقشة وإقرار اللوائح الداخلية وتعديلها عند الضرورة .
٨. البت في القضايا الطارئة الهامة التي لا تشملها اللوائح الداخلية .
٩. الإطلاع على التقارير الدورية المفروعة إليه ومناقشتها مع المسؤولين بعده .
١٠. تقييم كفاءات المسؤولين المشرفين على العمل والسعى لرفعها وتطويرها .
١١. ^{حصانة} وضع خطة التمويل السنوي والعمل على تنفيذها .
١٢. متابعة أعمال المسؤولين في المجلس القيادي والتنفيذي والافتراضي في تفاصيل الخطة والقرارات .
١٣. الإطلاع والإطمئنان على سير الأعمال في كافة دوائر العمل .
١٤. الحفاظة على حضور الاجتماعات الدورية الواجب عليه حضورها .
١٥. المشاركة في الخطة التربوية الجهادية المعدة من قبل اللجنة التشريعية من خلال الخطاب والكتابات .
١٦. الرفق بأتياه وتحسنه ومحاسنه وحل مشاكلهم . ^{التعلم والتنمية} ^(الدعويية)
١٧. أحد العهد على أفراده في القاعدة مباشرةً أو باليابنة .

٥. نائب الأمير :

أن تكون صفات الأمير أو قريبة منها وتعتمد صلاحيته وواجباته على ما يفوضه الأمير .

و. السكريتير:

ويعينه الأمير ويقوم بتنظيم مواعيده وعلاقاته الخارجية وإعداد جداول أعماله وحفظ ملفاته ويرافقه أينما ذهب ولا يتكلف الإلقاء على أسرار العمل.

٢) المجلس التأسيسي :

أ. التنظيم الداخلي :

١. تطبق على المجلس عموميات النظام الداخلي السالف ذكرها في الأساسيات .
٢. عدد أعضاء المجلس : لا يزيد عدد أعضاء المجلس عن عشرة ولا يقل عن سبعة بضمنهم الأمير ونائبه .
٣. تعيين الأعضاء وعزلهم : يتم تعيين الأعضاء وعزلهم عن طريق الأمير ونائبه .
٤. انعقاد الجلسات العادية : تعقد جلسات المجلس العادية نصف شهري . ويلزم حضور الأمير ونائبه كل جلسة .
٥. اتخاذ القرارات : تطرح الأمور حسب جدول الأعمال ثم يجري الجوار فيها وتُنْسَجِّل الفكرة ويترك لرئيس الجلسة اتخاذ القرار فيها وله الحق عند اشتباه الأمر أن يحيل القرار إلى نتيجة التصويت حيث يوْجَد برأي الأغلبية ويكون رأيه مرجحاً عند تساوي الأصوات .
٦. في حالة عدم اشتباه الأمور أو عدم توافر الأدلة يقرر الجهاز المالي بحسب القواعد التي تم تضمينها في النظام الداخلي .

ستين

٦. مدة عمل المجلس : مدة عمل المجلس ستة ^{سنوات} ينحل المجلس بعدها ويلزم الأمير بتشكيل مجلس جديد ولا ملئع من اختيار أعضاء من المجلس القديم في المجلس الجديد كلهم أو بعضهم .

٧. رئيس المجلس : للمجلس رئيس هو الأمير حال حضوره أو نائبه حال غيابه ^{ومن حق الأمير أن يتبع غيابه} في رئاسة الجلسة حال حضوره مع تغويه بعض أو كل صلاحيات رئيس المجلس ، ويفترض في رئيس المجلس أن يقوم بما يلي :

أ. ضبط وإدارة الجلسات .

ب. متابعة تنفيذ القرارات .

ج. الموافقة على جدول الأعمال المرفوع من السكرتير أو تعديله .

د. اتخاذ القرارات في الأمور المثبتة على جدول الأعمال بعد مناقشتها وإثراء الحوار فيها .

هـ. متابعة سكرتير المجلس في أعماله .

٩. سكرتير المجلس :

للمجلس سكرتير دائم من أعضاء المجلس يتم اختياره من قبل رئيس المجلس يقوم بما يلي :

أ. تدوين وحفظ محاضر الجلسات .

بـ. استلام اقتراحات الأعضاء المقدمة لمناقشتها في الاجتماعات .

جـ. إعداد وتحضير جداول أعمال الاجتماعات .

دـ. تبليغ الأعضاء مواعيد الاجتماعات وتسليمهم جداول الأعمال قبل يومين على الأقل من الاجتماعات العادية وقبل يوم على الأقل في الاجتماعات الطارئة .

هـ. توزيع قرارات الاجتماعات على الأشخاص المتعلقة بهم .

وـ. تسجيل حركة حضور وغياب الأعضاء ومتابعة أسباب غياب المغيبين ورفع ذلك لرئيس المجلس للنظر فيها

زـ. رفع طلبات أعضاء المجلس لعقد المجلس في الحالات الطارئة إلى رئيس المجلس أو نائبه بعد توفر شروط الاجتماعات الطارئة .

بـ) مواصفات عضو المجلس :

١. أن يكون منتمياً للقاعدة متفهماً لواقعها .

٢. أن يكون ذات بصرة جهادية كافية .

٣. أن يكون كفء لائقاً عضوية المجلس في مستوى العلمي وتجربته العملية .

٤. أن يكون ذات رأي ، مثيراً للحوار فعالاً في الجلسات أميناً على الأسرار .

٥. يفضل أن يكون متزوجاً وأن لا يقل عمره عن ثلاثين سنة .

ج) صلاحيات المجلس القيادي :

أ- تعريف المجلس القيادي :

هو مجلس يختاره الأمير للشورى يقوم بأمور التخطيط والمتابعة للعمل ككل ويسعى جاهداً لتصح الأمور وتصوبيه وصولاً إلى تحقيق أهداف العمل وسياسته ويعتبر السلطة العليا في العمل بعد الأمير ونائبه .

ب- صلاحيات المجلس :

١. إقرار وتعديل أهداف العمل وسياسة العامة . ـ تـسـجـعـ وـرـقـيـجـ

٢. مناقشة وتعديل الواقع الداخلي ورفعها للأمير لإقرارها أو تعديلها .

٣. مناقشة وإعداد الخطة السنوية للعمل والميزانية الازمة لها ورفعها للأمير لإقرارها أو تعديلها .

٤. تعين لجان أو أفراد لمتابعة أعمال اللجان .

٥. اقتراح ترشيح أو عزل أعضاء المجلس ورفع ذلك للأمير .

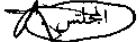
٦. حل اللجان القديمة أو دمج بعضها بعض أو استحداث غيرها .

٧. عزل الأمير عند الخرافه عن الشرع المحرفاً يقتضي عزله أو عند فقدان أهليته و اختيار أمير جديد .

٨. اختيار أمير جديد حال وفاة الأمير والنائب معاً أو أسرهما أسرأ خلاصهما منه ميؤوس منه .

٩. عقد البيعة للنائب و اختياره أميراً حال وفاة الأمير السابق أو أسره أسرأ خلاصه ميؤوس منه .

١٠. اختيار نائب ثان للأمير يقوم بمهامه حال أسر الأمير ونائبه أسرأ خلاصهما ميؤوس منه .

١١. مراجعة الأمير عند مخالفته للأهداف والسياسات العامة ومناقشتها الأمير معه وإقرارها ورفضها بأغلبية 

١٢. إعداد التقارير الشهرية عن العمل إجمالاً ورفعها للأمير .

» اللجنـة العـسـكـرـية :

تعريف :

هي جهاز ينابط به مسؤولية إعداد الشباب المجاهد وتدريبهم وقيمتهم للقتال وتنظيم مشاركتهم الجهادية في ساحات المعارك وكذلك مسؤولية تطوير الكفاءات القتالية والتقنيات العسكرية وصياغة البرامج والمناهج العسكرية المنضبطة بالشرع وغير ذلك من أمور الإعداد والقتال .

♦ الأهداف

□ أهداف عامة :

١. إعداد الشباب المجاهد وتدريبهم وقيمتهم للقتال .
٢. التنظيم والإشراف للمشاركة القتالية في ساحات المعارك .
٣. إعداد البرامج والمناهج العسكرية .
٤. توفير ما يلزم من تقنيات عسكرية للقتال .

□ أهداف خاصة :

١. تجنييد الأفراد للإنتحاق بالقاعدة .
٢. الرقي بمستوى أفراد القاعدة القتالي .
٣. جعل القاعدة مصنعاً للخبرات التدريبية والقتالية : أي توفير كواذر تدريبية وقتالية للعالم الإسلامي .

♦ الميكل التنظيمي للجنة العسكرية

□ رئيس اللجنة

□ القسم العام : تدريب - قتال

□ القسم الخاص : تدريب - عمليات

□ قسم الأسلحة النوعية

□ قسم المكتبة والأبحاث

▪ رئيس اللجنة العسكرية

الشروط والمواصفات : -

١. أن يكون حائزًا على قدر مناسب من العلم الشرعي .
٢. لا تقل فترة انتدابه للعمل عن خمس سنوات يكون قد حاز خلالها تجربة عملية عسكرية كافية في الجبهات والمعسكرات تؤهله للقيام بهذا العمل .
٣. أن يكون سليمًا في أعضائه وحواسه بالمستوى الذي يوكله للقيام بأعباء مسؤوليته كاملة .
٤. لا يقل عمره عن ٣٠ سنة .
٥. لا يقل تحصيله العلمي عن الجامعي ويفضل أن يكون من خريجي الكلية العسكرية .
٦. أن يكون اطلاعه واسعًا على العلوم العسكرية .
٧. أن يكون عاقلاً متزناً منضبطاً .

- ✓ صلاحيات وواجبات رئيس اللجنة :
- ١. تعيين وعزل نائب له من بين رؤساء أقسام اللجنة .
- ٢. الاتصال برؤساء اللجان الأخرى لتنسيق العمل .
- ٣. متابعة أعمال رؤساء الأقسام في تنفيذ القرارات وتقييم كفاءة آدائهم .
- ٤. حضور الاجتماعات الدورية والطارئة في اللجنة العسكرية .
- ٥. تعيين وعزل رؤساء الأقسام .
- ٦. رفع تقرير دوري من أعمال اللجنة إلى المجلس القيادي .
- ٧. رفع الخطة المرحلية التفصيلية التي تتوضع بالتشاور مع رؤساء الأقسام إلى المجلس القيادي .
- ٨. الاطلاع على التقارير الدورية المرفوعة من رؤساء الأقسام .
- ٩. رفع الخطة السنوية الخاصة باللجنة العسكرية والتي يضعها بالتشاور مع رؤساء الأقسام إلى المجلس القيادي .
- ١٠. وضع سياسة اللجنة العسكرية بالتشاور مع رؤساء الأقسام ورفعها للمجلس القيادي .
- مسئول قسم التدريب العام

تعريف :

هو مسئول يتم تعيينه من قبل رئيس اللجنة العسكرية يتولى وضع البرامج التدريبية . و متابعة تفويتها كافة أعمال القسم .

- ✓ مواصفات مسئول قسم التدريب :-
- ١. أن يكون قد قضى في العمل الجهادي سنتين على الأقل .
- ٢. أن يكون لديه قدر مناسب من الاطلاع الشرعي الذي يوكله للقيام بعمله .
- ٣. لا يقل عمره عن ٢٥ سنة .
- ٤. لا يقل تحصيله العلمي عن الثانوية العامة .
- ٥. أن يكون ذات اطلاع مناسب على العلوم العسكرية .
- ٦. أن يكون متسمًا بالعقل والاتزان والانضباط العسكري .
- ✓ مهام مسئول قسم التدريب :-
- ١. تفويت سياسة اللجنة العسكرية في مجال التدريب ، وحسب أوامر مسئول اللجنة العسكرية .
- ٢. متابعة أمور التدريب في المعسكرات ومكافأة و معاقبة المسؤولين فيها .
- ٣. اقتراح الخطة التدريبية والمناهج التعليمية العسكرية وعرضها على رئيس اللجنة لإقرارها .
- ٤. تنسيق عمل قسم القتال في إعداد المجاهدين بالكلم والكيف المناسب .
- مسئول قسم القتال العام .

تعريف :-

هو مسئول يعين من قبل رئيس اللجنة العسكرية يقوم بوضع الخطة العسكرية ورفعها إلى رئيس اللجنة ثم متابعة تفويتها بعد إقرارها مع متابعة كافة أعمال الأقسام الأخرى .

✓ مواصفات مسئول قسم القتال :-

نفس مواصفات مسئول قسم التدريب بالإضافة إلى أن يكون قد قضى فترة مناسبة في جهات القتال اكتسب خلالها تجربة قتالية كافية توكله للقيام بأعباء عمله .

✓ مهام مسئول قسم القتال :-

١. اقتراح الخطط العسكرية لجبهات القتال ورفعها إلى رئيس اللجنة ثم متابعة تنفيذها في الجبهات بعد إقرارها.
٢. قيادة جبهات القتال ، وتنسيق الكاتب العسكري أثناء المعارك .
٣. تنسيق عمل قسم القتال مع قسم التدريب في كافة الحالات .

♦ قسم العمل الخاص

تعريف :

هي جهاز ينابط به مسئولية تدريب وتجهيز وتطوير الكفاءات القتالية الخاصة بالعمل الخارجي ، وكذلك الإشراف على تنفيذ العمليات الخاصة وتسهيل كل متطلباتها .

▪ أهداف القسم

١. إعداد الكوادر من الشباب المخاهم ومتخصصهم للعمل الخاص .
٢. الإشراف على تنفيذ العمليات الخارجية .
٣. توفير ما يلزم العمليات من أجهزة وبرامج وتدريبات .
٤. اختيار العناصر المناسبة للعمل الخارجي .

▪ مسئول قسم العمل الخاص

✓ الشروط والمواصفات :-

١. لا تقل فترة انتدابه للعمل عن خمس سنوات يكون قد حاز خلالها على تجربة عملية توهله للقيام بهذا العمل .

٢. أن يكون سليماً في أعضائه وحواسه بالمستوى الذي يوهله للقيام بأعباء المسئولية .

٣. لا يقل عمره عن ٣٠ سنة .

٤. لا يقل تخصصه العلمي عن الجامعي وبفضل أن يكون من خريجي الكليات العسكرية .

٥. أن يكون اطلاعه واسعاً على العلوم العسكرية .

٦. أن يكون عقالاً متزناً منضبطاً .

٧. أن يكون لديه قدر مناسب من الاطلاع الشرعي الذي يوهله للقيام بعمله .

٨. أن يكون ذاته نفري وأخلاق حميدة .

✓ صلاحيات وواجبات مسئول القسم :-

١. الإشراف على إعداد الكوادر اللازمة للعمل .

٢. متابعة تنفيذ العمليات الخاصة .

٣. رفع تقرير دوري كل ثلاثة أشهر عن أعمال القسم .

٤. رفع الخطط المرحلية التفصيلية لأعمال القسم .

٥. وضع سياسة القسم ورفعها لرئيس اللجنة العسكرية .

٦. عمل اتصالات بالكوادر من خارج التنظيم والاستفادة من قدراتهم العملية والعلمية .

▪ نائب رئيس لجنة العمل الخاص

✓ مواصفات نائب رئيس لجنة العمل الخاص

نفس مواصفات رئيس اللجنة أو قريب منها .

« اللجنة السياسية » :

تعريف :-

هي لجنة تقوم ببث الوعي السياسي بين أفراد العمل وجماهير المسلمين وإعداد التقارير السياسية والدراسات اللازمة للعمل ، والتفاعل مع الحركات الجهادية في العالم ، وإعداد الكوادر السياسية المؤهلة وذلك حسب السياسية العامة للعمل في إطار الضوابط الشرعية .

♦ الأهداف العامة :-

١. نشر الوعي السياسي بين أفراد العمل بإعداد خطة معينة تشمل الأفراد حسب مستوياتهم في العمل التنظيمي .
٢. نشر الوعي السياسي بين جماهير المسلمين .
٣. إعداد الدراسات والتقارير السياسية اللازمة للعمل .
٤. التفاعل مع الحركات الجهادية في العالم بالتعريف بها ونشر أخبارها ... الخ .
٥. إعداد الكوادر السياسية اللازمة للعمل .
٦. عمل علاقات جيدة مع حكومة بلد الإقامة .

♦ الهيكل التنظيمي للجنة السياسية :

□ للجنة السياسية

□ رئيس اللجنة

□ نائب الرئيس

□ القسم السياسي

□ القسم الإعلامي

□ السياسية العملية (الضوابط)

١. الالتزام التام بأحكام الشرع وضوابطه في جميع أمور عمل اللجنة .
٢. إظهار أهمية العمل الجهادي المسلح في سبيل الله كمنهج للتغيير ، مع عدم إهمال العوامل الأخرى .
٣. تعرية وكشف طاغيّت الأرض والأحزاب العلمانية والقومية وغراها من أعداء الإسلام .
٤. علاقتنا مع الجماعات الإسلامية في المساندة والتعاون فيما عندهم من الحق ومناصحتهم فيما نراه عندهم من خطأ .
٥. يمنع التعرض بالنقد للحركات الإسلامية والعلماء إلا من خلال اللجنة الشرعية .
٦. السعي نحو تحقيق الوحدة بين الجماعات الإسلامية الجهادية .
٧. الرجوع إلى القيادة قبل اتخاذ أي قرار بشأن المواقف المستجدة التي تظهر على الساحة لاتخاذ سياسة التعامل المناسبة بشأنها .

✓ مواصفات وشروط رئيس اللجنة :-

١. أن لا تقل فترة انتماهه للعمل عن خمس سنوات وأن يكون ارتباطه بالعمل كلي .
٢. أن لا يقل عمره عن ٣٠ سنة .
٣. أن يكون لديه اطلاع شرعي عام وتحصصي في أمور السياسة الشرعية وأنظمة الإسلام .

٤. أن يكون متخصصاً بصدق اللهجة واسع الصدر حليماً ويعيد النظر سديد الرأي ذكياً فطناً .
٥. أن يكون صاحب تخصص في هذا المجال ذو خبرة .
٦. أن يكون متخصصاً بكمان السر وحفظ الأمانة .
٧. أن يكون قد مر بتجربة قتالية جهادية .
٨. يفضل أن يجيد اللغة الإنجليزية على الأقل وألا يقل مستوى التعليمي عن المستوى الجامعي .
٩. سلامة الموسس بما يكفي لتسير العمل .

✓ **صلاحيات وواجبات رئيس اللجنة:-**

١. تعيين وعزل نائب له .
٢. تعيين وعزل رؤساء الأقسام التابعة له .
٣. رفع تقرير دورى لرئيس المجلس القبادى .
٤. متابعة ومكافحة ومعاقبة العاملين في اللجنة .
٥. وضع خطة العمل السنوية وميزانيتها ومناقشتها مع رؤساء الأقسام لرفعها لرئيس المجلس القبادى .
٦. الاستشارة الخارجية لمن يراه أهلاً لذلك .

▪ **نائب رئيس اللجنة :-**

نفس مواليفات رئيس اللجنة أو قريباً منها .

✓ **الصلاحيات والواجبات :**

المساعدة في وقت وجود الرئيس والنيابة عنه في حالة غيابه .

اللجنة الإعلامية :

تعريف :-

هي لجنة تقم بجمع وسائل الاتصال المشروعة بكل فئات الأمة الإسلامية ، وتعمل على تبصيرها بمخططات أعدائها ، وتسعي لخشد كل طاقاتها العلمية والدعوية والجهادية بالدرجة الأولى لتفنن صفاً واحداً أمام تحالف الكفر والردة .

♦ **الأهداف العامة :-**

١. دعوة وتحريض المسلمين على الجهاد في سبيل الله ليكون كلمة الله هي العليا .
٢. نشر وتبني مفاهيم وضوابط أهل السنة والجماعة في جميع قضايا الجهاد .
٣. التوعية الفكرية والإعلامية لجماهير المسلمين .
٤. التعاون مع الجماعات العلمية والدعوية والجهادية -المضبوطة بمنهج السلف- إعلامياً .
٥. التواصل الإعلامي مع حكومة بلد الإقامة .

♦ **الميكل الإداري لقسم الإعلام :**

□ **رئيس اللجنة الإعلامية**

□ **نائب رئيس اللجنة**

□ **شعبة الكمبيوتر**

١. **المونتاج**

٢. **السكرتارية والطباعة**

- شعبة العلاقات الخارجية
- شعبة التصوير
- شعبة الصوريات
- شعبة الترجمة
- شعبة الأرشيف
- ♦ الضوابط

١. الالتزام التام بأحكام الشرع وضوابطه في جميع أعمال اللجنة .
٢. إظهار أهمية العمل الجهادي المسلح في سبيل الله كمنهج للتغيير ، مع عدم إهال العوامل الأخرى .
٣. تعرية وكشف طواغيت الأرض والأحزاب العلمانية والقومية وغيرها من أعداء الإسلام .
٤. علاقتنا مع الجماعات الإسلامية المساندة والتعاون فيما عندهم من الحق ومناصحتهم فيما نراه عندهم من خطأ .
٥. يمنع التعرض بالنقد للحركات الإسلامية والعلماء إلا من خلال اللجنة الشرعية .
٦. السعي نحو تحقيق الوحدة بين الجماعات الإسلامية الجهادية .
٧. الرجوع إلى القيادة قبل اتخاذ أي قرار بشأن المواقف المستجدة التي تظهر على الساحة ، لاتخاذ سياسة التعامل المناسبة بشأنها .

✓ مواصفات وشروط رئيس اللجنة :-

١. أن لا تقل فترة انتدائه للعمل عن خمس سنوات وأن يكون ارتباطه بالعمل كلي .
٢. أن لا يقل عمره عن ٣٠ سنة .
٣. أن يكون لديه اطلاع شرعي عام ومتخصص في أمور السياسة الشرعية والإعلام الإسلامي .
٤. أن يكون متصفاً بصدق اللهجة واسع الصدر حليماً و بعيد النظر سديد الرأي ذكيًّا فطناً .
٥. أن يكون متصفاً بكمان السر وحفظ الأمانة .
٦. أن يكون قد مر بتجربة قتالية جهادية .
٧. سلامة الحواس بما يكفي لتسير العمل .

✓ صلاحيات وواجبات رئيس اللجنة:-

١. تعين وعزل نائب له .
٢. تعين وعزل رؤساء الأقسام التابعة له .
٣. رفع تقرير دوري لرئيس المجلس القيادي .
٤. متابعة ومكافحة ومعاقبة العاملين في اللجنة .
٥. وضع خطة العمل السنوية وميزانيتها ومناقشتها مع رؤساء الأقسام لرفعها لرئيس المجلس القيادي .

* نائب رئيس اللجنة :-

نفس مواصفات رئيس اللجنة أو قريباً منها .

✓ الصلاحيات والواجبات :

المساعدة في وقت وجود الرئيس والنيابة عنه في حالة غيابه .

» اللجنة الإدارية والمالية :

تعريف :

هي اللجنة التي تقوم بالخدمات الإدارية المختلفة لجميع أفراد الجماعة وأسرهم وتقوم بأعمال الضيافة إشرافاً وتنفيذًا وتقوم بأعمال المحاسبة وإمساك الدفاتر وأعمال التمويل للجماعة .

• أهداف اللجنة :-

١. تقدم أفضل الخدمات الإدارية لجميع أفراد الجماعة وأسرهم .

٢. القيام بأعمال الضيافة للضيوف على مختلف أنواعهم بأكرم ما تكون عليه الضيافة .

٣. القيام بأعمال المحاسبة وإمساك الدفاتر على الوجه الذي يحافظ على المال العام للجماعة .

٤. القيام بأعمال التمويل للجماعة بما يفي باحتياجات الجماعة .

• السياسة المالية :

أولاً: الضوابط العامة المالية :

١. المال العام أمانة ومسؤولية كبيرة أمام الله عز وجل فينبغي الاحتفاظ التام والانتباه في عدم تضييعه أو الإسراف فيه وكل أخ هو مسؤول عن المال العام فينبغي الحافظة عليه ونصح المسؤولين عنه ولا يكون سليماً بقوله هذا الأمر ليس من مسؤوليتي .

٢. ينبغي تقديم مستندات وفواتير الصرف لأي مصروفات تتم حكمها بذلك .

٣. ينبغي على المسؤولين الذين لهم حق صرف أموال أن يكون ذلك بإذن صريكي وتوقيعهم عليه .

٤. على مسؤولي قسم المحاسبة تسجيل أولاً بأول في الدفاتر ، وعدم صرف أي مبلغ إلا بعد تسجيله والاحتفاظ بإذنات الصرف ومستندات المصروفات ، ومتابقة الرصيد النقدي بالرصيد الدفتري أولاً بأول والمتابعة والاهتمام بالسلف المعلقة حتى إفهامها وإبلاغ مسؤول اللجنة الإدارية في حالة تذرع إماء السلف المعلقة وكذلك متابعة الديون وخصم القسط الشهري من الدين أولاً بأول .

٥. على مسؤولي اللجان متابعة تسجيل مصروفاتهم في دفتر المصروفات الخاص بهم وتقديم صور كشوفات الصرف مع المستندات إلى قسم المحاسبة شهرياً قبل استلام الميزانيات الشهرية .

٦. في حالات مأموريات العمل على الجهة التي صرفت مبلغ المأمورية متابعة الشخص القائم بالمسؤولية بعد عودته وطلب كشف مستندات الصرف أو إبلاغ قسم المحاسبة للقيام بهذه المهمة ، وعلى الأخ القائم بالمسؤولية ألا يستخدم هذا المال في أغراض شخصية حتى ولو كان في نيته إخبار الجهة المسئولة بأن يعتبروا هذا دين عليه أو يسامحوه في استخدامه هذا .

ثانياً: مصروفات حساب اللجان التنفيذية :

١. الميزانيات الثابتة :

لكل لجنة ميزانية ثابتة سنوية تقر بعد المناقشة والتداول بين رئيس اللجنة المعنية والمجلس القيادي وبعد اعتمادها من قبل الأمين ولا يسمح بتجاوز السقف الأصلي المالي لميزانية كل لجنة مهما كانت الظروف ، وتحسب هذه الميزانيات بعيداً عن الاستعمال في أي أغراض أخرى ، وتصرف هذه الميزانيات من قبل قسم المحاسبة بشكل دوري .

دوري . *أثنين سنوياً والميزانية مسيرة*

- ✓ صلاحيات وواجبات رئيس اللجنة :-
- ١. تعيين وعزل رؤساء الأقسام .
- ٢. الاتصال برؤساء اللجان الأخرى لتنسيق العمل .
- ٣. متابعة أعمال رؤساء الأقسام في أقسامهم وتقدير كفاءة أدائهم .
- ٤. تعميم تقارير دور ~~فيه~~ عن أعمال اللجنة إلى المجلس القيادي .
- ٥. مناقشة التقارير المرفوعة إليه من الأقسام مع رؤساء الأقسام والنظر في المشاكل المختلفة ~~ووضع~~ ووضع الحلول لها .

٦٦. نائب رئيس اللجنة اللهم الوازع الخالص بالأقسام المختلفة للجنة . و تقد عزمه قبله حمله

نائب رئيس اللجنة

✓ مواصفات نائب رئيس اللجنة :-

مثل أو قريب من مواصفات رئيس اللجنة.

يساعد رئيس اللجنة حال وجوده وينوب عنه حال غيابه ، وله نفس صلاحيات رئيس اللجنة حال غيابه .

قسم المحاسبة

تعریف

هو القسم الذي يقوم بأعمال المحاسبة وإمساك الدفاتر من استلام الأموال والمحافظة عليها وصرف الميزانيات والمصاريف الأخرى ومحاسبة كل من يتسلم أموالاً ومراجعة أوجه الصرف معه مع المستندات، ~~وهو مكتبة تقويم~~

• قسم الخدمات الداخلية

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هو القسم الذي يقوم بأعمال الخدمات الداخلية أي لأفراد التنظيم وأسرهم بما يحقق السهولة واليسر والراحة لهم ، فهو الذي يقوم بالتالي :

١. **المرصد** المركزي متوفّر المواصلات الدورية والطارئة . لمعنى المرصد
٢. توفير احتياجات المدكان (المقلاة) وتنظيم عمل المدكان والإشراف عليهما وتوفّر الاحتياجات الأخرى من المدحوم والحضرولات والفاكهه . وتسيّم من المراكز الخاصة بـ
٣. متابعة أعمال المدرسة وتوفّر احتياجاتها (المدرسين - المباني - الكتب) .
٤. الإشراف على عمل ورشة الصيانة والتي تقوم بصيانة السيارات والمكائن .

• ضوابط تعليمات المسئوليات :

أ. السيارة أمانة في يديك وهي من المال العام الذي لا بد من الاحتياط والمحافظة عليه ~~وإلا~~ سؤال عن يوم القيمة .
ب. يلزم وضع سائق على كل سيارة يكون مسؤولاً عنها وتسليم له ويتبع صيانتها وإصلاحها ما أمكن ، ويسلمها للمسئول إذا انتهت عمله لأي سبب ولا يتحرك إلا بإذن المسئول ولا يعطي السيارة لأحد إلا بإذنه .

- مخالفته المتكررة للوائح وقوانين السكن ورأت الإدارة إخراجه لذلك .
- يتم التسakin في المجتمعات في حالة تجهيز مساكن جديدة أو خلق سكن خلو تدريجياً بواسطة لجنة تشكل لهذا الأمر من رؤساء اللجان الثلاثة (الإدارية والعسكرية والأمنية) مع نائب الأمير ، على أن تراعى أمور منها :
 - قدم الأخ في العمل .
 - مصلحة العمل .
 - أخلاق وسلوك الأخ .
 - مدى حاجة الأخ للسكن .
- متابعة الإيجارات للمساكن والأماكن التابعة للعمل .
- متابعة أعمال الكهرباء والمياه الخاصة بالمجتمع .
- المحافظة على الممتلكات العامة من أصول متداولة وغيرها والمملوكة للعمل .

قسم القياسات الفيزيائية

تہذیب

هو القسم الذي يقوم بأعمال الضيافة للضيوف بمختلف أنواعهم على أكرم وجه ، من توفير الأماكن المناسبة والفرش والطعام والشراب ، ومعالجة المرضى منهم ، وأشكالهم ^{الجمالية} واحفاظة عليها ، ومتابعة تغطية مهامهم وأشغالهم ومتابعة تغييرهم ، وتنظيم الدروس الشرعية لهم ^{اللهم اجعلها ملائكة} .

اللجنة الأمنية :

تعریف:

هي اللجنة المكلفة بتوفير الأمان اللازم لأفراد وأمن العمل التنظيمي.

يتتحقق هدف المحافظة على أمن الأفراد بالعمل على:-

٢٠. منع حدوث الاختراق عن طريق إخضاع العملية التنظيمية لمراحل متدرجة يتم خلالها الملاحظة والتصنيف والتنظيم وجم المعلومات الكافية عن كل فرد يراد تنظيمه ... ويتم تفزيذ هذه المهمة على مكتب الأمن .

ويتحقق هدف المحافظة على أمن العمل التنظيمي بالعمل على :-

أ. رفع الحس الأمني لدى الفرد ... من خلال التربية الأمنية ... وكذلك توعيتهم دائمًا بكل المستجدات في هذا المجال ... من خلال المحاضرات والنشرات والمذكرات الأمنية ... ويقع تنفيذ هذه المهمة على مكتب الأمن.

بـ. توفر الأجهزة التي تعمل على حماية الشخصيات الهاامة في التنظيم ... والتي تعمل على حماية أفراد ومنتشرات التنظيم ... والتي تقوم بجمع كافة المعلومات الالازمة المتعلقة بالعملية الأمنية ... ويقع تفاصيل هذه المهمة على مكتب الأمن .

• أهداف اللجنـة الأمـنية وواجبـاها :

١. توفير الأمن اللازم لقيادات التنظيم .
٢. إعطاء أهمية كبيرة لعملية التحديد وذلك بوضع ضوابط عملية ودقيقة تكفل مرور الفرد عبر قناء لا يجب بخوازيرها مهما كانت أهمية الفرد وقدراته وحيضيته .
٣. القيام بالتربيـة الأمـنية لـكل العـامـلـين في التنـظـيم مع مراعـة بعض النقـاط المـاـخـاصـة بـذـلـك .
٤. السعي للمـحـصـولـ علىـ المـيـكـارـاتـ منـ أـفـكـارـ وـمـخـتـرـعـاتـ حـدـيثـةـ وـالـيـ تـسـهـلـ الـقـيـامـ بـالـعـمـلـ الـأـمـيـ .
٥. الـقـيـامـ بـأـعـمـالـ مـكـافـحةـ التـحـسـسـ الدـاخـلـيـ وـتـوـجـيهـ جـهـدـ منـاسـبـ لـذـلـكـ .
٦. الـقـيـامـ بـالـهـامـ الـأـمـيـ منـ قـبـضـ .. وـتـفـتـيـشـ .. وـتـحـقـيقـاتـ .. وـأـرـشـفـةـ الـمـعـلـومـاتـ الـمـسـتـخلـصـةـ بـذـلـكـ .
٧. تـسـيـقـ التـعـاـونـ وـتـبـادـلـ الـمـخـابـراتـ معـ الـأـجـهـزـةـ الـأـمـيـةـ الـإـسـلـامـيـةـ (ـ تـنظـيمـاتـ .. دـوـلـ) .
٨. مـارـسـ أـعـمـالـ الـمـخـابـراتـ الـإـسـلـامـيـةـ "ـ السـرـيـةـ "ـ بـشـكـلـ فـعـالـ (ـ قـسـمـ الـمـعـلـومـاتـ .. قـسـمـ الـأـبـحـاثـ .. قـسـمـ التـحـلـيلـ .. قـسـمـ الـعـلـمـيـاتـ السـرـيـةـ .. مـكـافـحةـ الـجـاسـوسـيـةـ .. الـخـ) .
٩. الـمـتـابـعـةـ الـأـمـيـةـ لـلـأـفـرـادـ وـالـعـمـلـ وـتـقـدـيمـ النـصـحـ لـهـمـ وـالـتـعـاـونـ مـعـ كـافـةـ الـأـقـسـامـ الـتـيـ تـطـلـبـ خـدـمـاتـ أـمـيـةـ .

♦ ضوابط هامة :

أولاً : تنسيط جميع المهام التي يقوم بها المكتب بالشرع الخيف .

ثانياً : يتم التزام أقصى درجات التوثيق عند إختيار أفراد المكتب .

ثالثاً : في الأمور الخطيرة التي تختلط فيها المصالح والمفاسد تخرج اللجنة من مسؤوليتها برفعها إلى القيادة لاتخاذ القرار المناسب بشأنها .

رابعاً : يتم ضبط المهمة السادسة لللجنة بأن تتعلق (مرحلياً) بالتعاون مع أجهزة الدولة الإسلامية محل الإقامة فيتجنب الظهور في واجهة أعمال الاعتقال .

□ من هنا نبدأ الحديث عن أركان مكتب الأمن والمسئولة في :

١. الهيكل التنظيمي للمكتب .

٢. شعار الهيكل وحاته .

٣. كوادر الهيكل ومهام ومواصفات كل كادر .

٤. مهام أقسام المكتب .

أ. ثالثاً : كوادر الهيكل ومواصفاتهم ومهام كل كادر

ملاحظة :

لللجنة عهد بحفظ الأسرار يؤخذ على كافة العاملين به ويشترط عليهم المخالفة على العهد خاصة إذا انتهت علاقتهم التنظيمية .

♦ عهد اللجنة :

♦ رئيس اللجنة

هو واجهة اللجنة الرسمية والمنوط به تنفيذ المهام الأمنية الموكولة إليه ويحق له تفويض القدر المناسب من صلاحياته لمعاونيه دون أن ينفي عنه ذلك مسؤوليته عن كافة أعمال اللجنة .

✓ شروط ومواصفات رئيس اللجنة

١. لا تقل فترة اتمامه للتنظيم عن خمس سنوات يكون قد حاز خلالها ثقة القيادة فيما يتعلق بقدرته على العمل في هذا المجال .

٢. أن يكون له خبرة عسكرية وأمنية مناسبة وكافية توهله للقيام بهذا العمل .

٣. أن يكون ذات ثقوى وورع .

٤. لا يقل تخصصه العلمي عن الجامعي ويفضل أن يكون من خريجي الكليات العسكرية .

٥. أن يكون سليماً في أعضائه وحواسه بالمستوى الذي يوكله للقيام بأعباء مسؤوليته كاملة .

٦. لا يقل عمره عن ٣٠ سنة .

- ٧. أن يكون لديه قدر مناسب من الاطلاع الشرعي الذي يوكله للقيام بعمله .
- ٨. أن يكون اطلاعه واسعاً على العلوم العسكرية والأمنية .
- ٩. أن يكون ذا حس أمني عالٌ فطناً سريعاً البديهة عاقلاً متزناً مضبطاً .
- ١٠. أن يكون معروفاً بأمانته وكتمانه للأسرار .

✓ صلاحيات وواجبات رئيس اللجنة

- ١. تعيين وعزل نائب له من بين أعضاء اللجنة .
- ٢. تعيين وعزل ونقل قادة الأفرع والأقسام وتقدير كفاءة أدائهم .
- ٣. متابعة أعمال مجلس الأمن في تنفيذ الخطط والبرامج .
- ٤. تنسيق التعاون مع مسئولي المخابرات المتعاونة (جماعات ودول) .
- ٥. إعداد الخطط المرحلية والتفصيلية وقيادة اجتماعات مجلس الأمن .
- ٦. وضع سياسة اللجنة الأمنية بالتشاور مع مجلس أمن اللجنة .
- ٧. إدارة حركة الأفراد التابعين للجنة ، وتنسيق الأعمال مع مسئولي اللجان الأخرى في التنظيم .
- ٨. يحق له طلب اجتماع طارئ للمجلس القيادي في حالات الطوارئ .
- ٩. تقديم تقرير دوري عن أعمال المكتب ونشاطاته للمجلس القيادي ، وتقديم تقارير طارئة في الحال .

♦ نائب رئيس اللجنة

هو المسئول الذي ينوب عن الرئيس في غيابه ويساعده في حضوره .

✓ الشروط والمواصفات

نفس شروط رئيس اللجنة .

✓ صلاحيات وواجبات نائب رئيس اللجنة

يساعده في حضوره وينوب عنه في غيابه .